

Item 725-A

DEPARTMENT OF JUSTICE

IMMIGRATION &  
NATURALIZATION  
SERVICE

RESOURCE GUIDE

FOR

CONGRESSIONAL STAFFS

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COMMISSIONER

PREPARED BY

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## Table of Contents

	Page
Agenda.. .. .	1
Organization Chart for INS Congressional and public Affairs Unit.. .. .	2
Listing of Congressional Affairs Staff with Telephone Numbers.. ..	3
List of Functions of Congressional Affairs Staff. .. ..	4
Copy of Immigration Reform and Control Act of 1986. .. ..	5
Copy of Interim Final Regulations (IRCA)... ..	6
List of Reference Sources on Immigration Law, Regulations and Procedures. .. ..	7
List of Commonly Used Forms.. ..	8
Sample Copies of Commonly Used Forms. .. ..	9

SPEAKERS' NOTES

LIST:

- Immigrant Codes / Adjustment Codes
- Nonimmigrant Codes
- Citizenship Charts
- Refugee, Asylum and Parole Matters:
  - Cardoza-Fonseca decision, memorandum on
  - Advance Parole memorandum
- Immigrant vs Nonimmigrant and Temporary vs Permanent
- Immigrant Notes
- Nonimmigrant Notes
- Consular Efficiency Bill Notes
- Sample "Visa Bulletin", Department of State

## IMMIGRANT VS NONIMMIGRANT

Immigration and Nationality Act states that any alien coming to the U.S. is an immigrant, unless he or she can prove that he or she can be classified in one of the defined nonimmigrant classifications (A - M). A - M classifications are very specific. We will discuss them at length later this morning.

Immigrants are seeking to stay permanently in the U.S. Nonimmigrants are to stay temporarily in the U.S. Only certain nonimmigrant classifications may be employed in the U.S.

## Temporary VS Permanent

Immigration and Nationality Act relies strongly on concept of temporary vs permanent without defining either. With nonimmigrants, temporary normally requires an unrelinquished foreign domicile or an intention to leave in a definite, fixed period of time of "short" duration. Permanent is generally evidenced by an indefinite intent to remain without a fixed end or abandonment of a foreign residence.

### Immigrant/Adjustment Codes

Following is a list of classification codes presently in use. Codes which are no longer active may be located in AM 2304.68.

ADM CODE	ADJ CODE	SECTION OF LAW	DESCRIPTION
	AS6	Sec. 209(b) INA (P.L.96-212)	Adjustment of Asylee
	AS7	Sec. 209(b) INA (P.L.96-212)	Adjustment of spouse of Asylee
	AS8	Sec. 209(b) INA (P.L.96-212)	Adjustment of child of Asylee
	CU6	Sec. 1, Act of 11/2/66	Cuban refugee
	CU7	Sec. 1, Act of 11/2/66	Non-Cuban spouse of Cuban refugee
	DS1	8 CFR 101.3	Creation of record of LPR status for persons born in diplomatic status
	IC6	Sec. 101, P.L.95-145	Indochinese refugee
	IC7	Sec. 104, P.L.95-145	Spouse/child of refugee not qualified under Sec. 101
	IF1	Sec. 214(d) INA	Fiance(e)-creation of record of LPR status
	IF2	Sec. 214(d) INA	Child of Fiance(e)-creation of record of LPR status
IR1	IR6	Sec. 201(b) - Spouse	Spouse of U.S. citizen - admission/adjustment
IR2	IR7	Sec. 201(b) - Child	Unmarried minor child of U.S. citizen - admission/adjustment
AR1	AR6	Sec. 204(g) INA (P.L.97-359)	Child of U.S. citizen. Child born in Kampuchea, Korea, Laos, Thailand or Vietnam qualifying under this Act for admission as an immediate relative
IR3	IR8	Sec.201(b); Sec.101(b)(1)(F)	Orphan adopted abroad by U.S. citizen - admission/adjustment
IR4	IR9	Sec.201(b); Sec.101(b)(1)(F)	Orphan coming to U.S. for adoption by U.S. citizen - admission/adjustment
IR5	IR0	Sec. 201(b) - Parent	Parent of U.S. citizen - admission/adjustment
NA3		8 CFR 211.1(a)(1)	Child born abroad during temporary absence of LPR mother - creation of record
NP1	NP6	Sec.203(a)(7) INA	Nonpreference alien admission/adjustment
	NP8	Sec.19, P.L. 97-116	Adjustment of alien qualified as investor prior to 6/1/78
	NP9	Sec.19, P.L. 97-116	Adjustment of spouse/child of alien qualified as investor prior to 6/1/78
			FIRST PREFERENCE:
P11	P16	Sec.203(a)(1) INA	Unmarried son or daughter of U.S. citizen
A11	A16	Sec.204(g) INA (P.L. 97-359)	Unmarried son or daughter of U.S. citizen. Alien born in Kampuchea, Korea, Laos, Thailand or Vietnam qualifying under this Act for admission as a first preference immigrant
P12	P17	Sec.203(a)(8) INA	Child of alien classified P1-1

A12	A17	Sec.204(g) INA (P.L.97-359)
P21	P26	Sec.203(a)(2) INA
P22	P27	Sec.203(a)(2) INA
P23	P28	Sec.203(a)(8) INA

**SECOND PREFERENCE:**

Child of alien classified A11 or A16  
 Spouse of alien resident  
 Unmarried son or daughter of alien resident  
 Child of alien classified P2-1 or P2-2

P31	P36	Sec.203(a)(3) INA
P32	P37	Sec.203(a)(8) INA
P33	P38	Sec.203(a)(8) INA

**THIRD PREFERENCE:**

Professional or highly skilled immigrant  
 Spouse of alien classified P3-1  
 Child of alien classified P3-1

P41	P46	Sec.203(A)(4) INA
A41	A46	Sec.204(g) INA (P.L. 97-359)

**FOURTH PREFERENCE:**

Married son or daughter of U.S. citizen  
 Married son or daughter of U.S. citizen.  
 Alien born in Kampuchea, Korea, Laos, Thailand or Vietnam qualifying under this Act for admission as a fourth preference immigrant.  
 Spouse of alien classified P4-1  
 Child of alien classified A41 or A46  
 Child of alien classified P4-1  
 Spouse of alien classified A41 or A46

P42	P47	Sec.203(a)(8) INA
A42	A48	Sec.204(g) INA (P.L. 97-359)
P43	P48	Sec.203(a)(8) INA
A43	A47	Sec.204(g) INA (P.L. 97-359)

P51	P56	Sec.203(a)(5) INA
P52	P57	Sec.203(a)(8) INA
P53	P58	Sec.203(a)(8) INA

**FIFTH PREFERENCE:**

Brother or sister of U.S. citizen  
 Spouse of alien classified as P5-1  
 Child of alien classified P5-1

P61	P66	Sec.203(a)(6) INA
P62	P67	Sec.203(a)(8) INA
P63	P68	Sec.203(a)(8) INA

**SIXTH PREFERENCE:**

Needed skilled or unskilled worker  
 Spouse of alien classified as P6-1  
 Child of alien classified P6-1

	RE6	Sec.209(a) INA
	RE7	Sec.209(a) INA
	RE8	Sec.209(a) INA
SB1		Sec.101(a)(27) INA
SD1	SD6	Sec.101(a)(27)(C)(i) INA
SD2	SD7	Sec.101(a)(27)(C)(ii) INA
SD3	SD8	Sec.101(a)(27)(C)(ii) INA
SE1	SE6	Sec.101(a)(27)(D) INA
SE2	SE7	Sec.101(a)(27)(D) INA

Refugee  
 Spouse of Refugee  
 Child of Refugee  
 Returning LPR aliens  
 Minister of Religion  
 Spouse of Minister of Religion  
 Child of Minister of Religion  
 Former employee of U.S. Government overseas  
 Spouse of former employee of U.S. Government overseas  
 Child of former employee of U.S. Government overseas  
 Certain employees of the Panama Canal Zone Government, Panama Canal Company and U.S. Government in the Panama Canal, their spouses and children  
 (pursuant to the Panama Canal Act of 1979)

SE3	SE8	Sec.101(a)(27)(D) INA
SF1	SF7	Sec.101(a)(27)(E) INA
SF2	SF8	Sec.101(a)(27)(E) INA
SG1	SG6	Sec.101(a)(27)(F) INA
SG2	SG7	Sec.101(a)(27)(F) INA
SH1	SH6	Sec.101(a)(27)(G) INA
SH2	SH7	Sec.101(a)(27)(G) INA
	SJ6	Sec.101(a)(27)(H) INA
SJ2	SJ7	Sec.101(a)(27)(H) INA

Foreign medical graduate practicing medicine in the U.S. 1/9/78  
 Spouse/child of SJ6

S13		Sec.289 INA	American Indian born in Canada
XA3		8 CFR 211.1(a)(1)	Child born after accompanying parent receives immigrant visa
	VI6	Sec.2 Virgin Islands Nonimmigrant Alien Adjustment Act (P.L. 97-271)	Alien admitted to the U.S. Virgin Islands as an H-2 nonimmigrant
	VI7	Sec. 2 Virgin Islands Nonimmigrant Alien Adjustment Act (P.L. 97-271)	Alien Admitted to the U.S. Virgin Islands as an H-2 nonimmigrant
XA3		8 CFR 211.1(a)(1)	Child born after accompanying parent receives immigrant visa
	X83	8 CFR 101.1	Alien presumed to be LPR
	Z03	Sec. 249	Creation of record of admission after 6/30/24 and before 6/28/40
	Z11	Sec. 244	Granted suspension of deportation - chargeable preference or nonpreference
	Z13	Sec. 244	Granted suspension of deportation - not chargeable-IR or special immigrant
	Z33	Sec. 249	Creation of record of admission before 7/1/24
	Z41	Private Bill	Alien granted LPR status through private law - chargeable
	Z43	Private Bill	Alien granted LPR status through private law - not chargeable
	Z56	Sec. 244	Crewman granted suspension of deportation - chargeable
	Z57	Sec. 244	Crewman granted suspension of deportation - not chargeable
	Z66	Sec. 249	Creation of record of admission after 6/28/40 and before 6/30/48
	Z83	Sec. 13, Act of 9/11/57	Former diplomat granted LPR status through Sec. 13 - chargeable
	Z91	Sec. 13, Act of 9/11/57	Former diplomat granted LPR status through Sec. 13 - not chargeable
CR1	CR6	PL 99-639	Spouse of US citizen
CR2	CR7	PL 99-639	Unmarried minor child of US citizen
CF1		PL 99-639	Fiancee of US citizen
CF2		PL 99-639	Unmarried minor child of fiancee
C21	C26	PL 99-639	Spouse of alien resident
C22	C27	PL 99-639	Unmarried son or daughter of alien resident
C23	C28	PL 99-639	Child of alien classified C2-1 or C2-2
C41	C46	PL 99-639	Married son or daughter of US citizen
C42	C47	PL 99-639	Spouse of alien classified C4-1
C43	c48	PL 99-639	Child of alien classified C4-1

# NONIMMIGRANT CLASSIFICATIONS AND CODES

Symbol (Stat.)	Symbol on document	Classification	Maximum Admission	Maximum Extension
A1	A-1	Ambassador, public minister, career diplomatic or consu- lar officer, and members of immediate family	D/S	-
A2	A-2	Other foreign government official or employee, and members of immediate family	D/S	-
A3	A-3	Attendant, servant, or per- sonal employee of A-1 and A-2 classes, and members of immediate family	3 yrs	2 yrs
B1	B-1 (inc. Peace Corps)	Temporary visitor for business (including Peace Corps)	1 yr	6 mo
B2	B-2	Temporary visitor for pleasure	1 yr	6 mo
C1	C-1	Alien in transit	29 days	-
C2	C-2	Alien in transit to United Nations Headquarters District under Sec. 11(3), (4), or (5) of the Headquarters Agreement	immediately to UN	-
C3	C-3	Foreign government official, members of immediate family, attendant, servant, or per- sonal employee, in transit	29 days	-
C4	TWOV	Transit without visa	8 hrs	-
D1	D-1	Not to exceed 29 days on vessel or aircraft on which crewman arrived	29 days	-
D2	D-2	Not to exceed 29 days other than on vessel or aircraft on which crewman arrived	29 days	-
E1	E-1	Treaty trader, spouse and children	1 yr	2 yrs
E2	E-2	Treaty investor, spouse and children	1 yr	2 yrs
F1	F-1	Student	D/S	-
F2	F-2	Spouse or child of student	D/S	-
G1	G-1	Principal resident represen- tative of recognized foreign member government to inter- national organization, his staff, and members of imme- diate family	D/S	-

Symbol (Stat.)	Symbol on document	Classification	Maximum Admission	Maximum Extension
G2	G-2	Other representative of recognized foreign members of immediate family	D/S	-
G3	G-3	Representative of nonrecognized or nonmember foreign government to international organization, and members of immediate family	D/S	-
G4	G-4	International organization officer or employee, and members of immediate family	D/S	-
G5	G-5	Attendant, servant, or personal employee of G-1, G-2, G-3, and G-4 classes, and members of immediate family	3 yrs	2 yrs
H1	H-1	Temporary worker of distinguished merit and ability	3 yrs	2 yrs *
H2	H-2	Temporary worker performing services unavailable in the United States (including Spanish shepherd)	1 yr	1 yr **
H3	H-3	Industrial trainee	1 yr	1 yr
H4	H-4	Spouse or child of an alien entering as a H-1, H-2, or H-3	same as the	H-1, H-2, H-3
I1	I	Representative of foreign information media, including spouse and child	D/S	-
J1	J-1	Exchange visitor	program + 30	days
J2	J-2	Spouse or child of exchange visitor	program + 30	days
K1	K-1	Fiance or Fiancee of a USC entering solely to conclude a valid marriage contract	90 days	-
K2	K-2	Child of an alien entering as a K-1	90 days	-
L1	L-1	Intra-Company Transferee (executive, managerial, and specialized personnel entering to continue employment with the same employer or a subsidiary or affiliate thereof.	3 yrs	2 yrs*
L2	L-2	Alien spouse or child of an alien entering as a L-1	3 yrs	2 yrs
N7	SB1	Returning resident	-	-
N1	NATO-1 thru NATO-7	All NATO admissions	-	-
PR	Parolee	Parolee	-	-
M1	M-1	Student, Vocational	1 yr	1 yr
M2	M-2	Spouse of M-1 or Child of M-1	1 yr	1 yr

\* - 5 year maximum total

\*\* - 3 year maximum total

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Immediate Relatives - IR Codes, CR Codes

Spouse, parent, unmarried minor child of a U.S. citizen. Citizen at least 21 to petition for parent.

Preference Immigrants - P Codes, C# Codes

Section 203(a) of the Immigration and Nationality Act, as amended, prescribes preference classes for allotment of immigrant visas as follows:

First preference (unmarried sons and daughters of U.S. citizens): 20% of the overall annual limitation in any fiscal year;

Second preference (spouses and unmarried sons and daughters of aliens lawfully admitted for permanent residence): 26% of the overall limitation, plus any numbers not required for first preference;

Third preference (members of the professions or persons of exceptional ability in the sciences and arts): 10% of the overall limitation;

Fourth preference (married sons and daughters of U.S. citizens): 10% of the overall limitation, plus any numbers not required by the first three preference categories;

Fifth preference (brothers and sisters of U.S. citizens 21 years of age or over): 24% of the overall limitation, plus any numbers not required by the first four preference categories;

Sixth preference (skilled and unskilled workers in short supply): 10% of the overall limitation;

Nonpreference (other immigrants): Numbers not required by the six preferences.

Special Immigrants - S Codes

Most common are:

- Returning resident
- Minister of religion
- Former employee of US Gov't overseas

Conditional Immigrants - C Codes

PL 99-639

Nonpreference immigrants - NP Codes

- Investor (\$40,000)
- Aliens exempt labor certification
- Western Hemisphere native with priority date before 1-1-77, exempt from labor certification (parent, spouse, child of USC or LPR)
- Fiancee of USC

Petitions: I-130 and I-140

Who for ? Filed by whom ? Documentation. Processing time.

Visa issuance vs Adjustment of status  
(Admission vs Adjustment of status)

11:00

Nonimmigrants - see chart

What is a visa ? Who issues visas ?

Must visas be extended?

Visas vs Admission

Extensions of stay

Inspection Process

Change of nonimmigrant status

Regional Service Centers - formerly Regional Adjudication Centers  
( RSC ) ( RAC )

Direct Mail

Remote Adjudications

# Memorandum



CO 212.28-P

Subject

Date **20 FEB 1987**

Advance Parole for Aliens with United States  
Visa Interviews Scheduled in Third Countries

To Regional Commissioners  
District Directors  
Officers-in-Charge  
Directors-RACS

From Examinations

There are certain aliens residing in the United States who are eligible for visa issuance but ineligible for adjustment of status under Section 245 of the Immigration and Nationality Act and are also ineligible for the Stateside Criteria program. In these cases they may have their immigrant visas issued in third countries if the State Department has determined that they are unable to return to their country of citizenship for such issuance. However, some countries in which this visa issuance will take place will not allow interviewees to enter unless they are in possession of a document (advance parole letter) which will ensure they will be readmitted to the United States in the event that they are not given the visa.

To ensure this population is given the opportunity to pursue acquisition of the visa, district directors should authorize advance parole under O.I. 212.5(c) in all cases except where the individual is in deportation proceedings or is an exchange alien subject to the foreign residence requirement and is not the beneficiary of a private bill.

In addition to proof that the interview has been scheduled, district directors may require that prospective interviewees provide proof that the foreign country to which they have been invited will not permit entry without a valid returning document. In instances where further assurance of admissibility back into the United States seems warranted, district directors may require that the G-325 and fingerprint check be completed before issuing advance parole.

This benefit should be extended to those with and without travel documents.

RICHARD E. NORTON  
Associate Commissioner

# Memorandum



CO 208-P

Subject Supreme Court Decision in INS v. Cardoza-Fonseca

Date MAR 2 4 1987

To All Regional Commissioners  
All District Directors  
All Officers-in-Charge

From Examinations

Attached is the recent decision of the Supreme Court in INS v. Cardoza-Fonseca (No. 85-782, March 9, 1987). The government sought certiorari in this case to secure clarification of the standard of proof to be applied in adjudicating asylum requests.

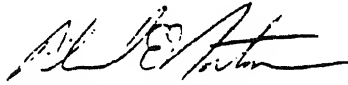
The Court held that Congress intended a different standard for asylum determinations from that for withholding of deportation relief under section 243(h). The Court stated that the standard should be more lenient than the clear probability or "more likely than not" standard which the Court determined was the standard of proof to be followed in 243(h) decisions, INS v. Stevic, 467 U.S. 407 (1984). However, the Court did not specify what the standard was to be in asylum cases. Instead the Court held that the standard should be established through a process of case-by-case adjudication.

The closest the Court came to suggesting the proper standard was in quoting from its previous Stevic decision:

As we pointed out in Stevic, a moderate interpretation of the "well-founded fear" standard would indicate "that so long as an objective situation is established by the evidence, it need not be shown that the situation will probably result in persecution, but it is enough that persecution is a reasonable possibility." (p.18)

The Service will be meeting with Department of Justice officials to discuss the appropriate standard and more precise field guidance to district directors making asylum decisions. Precedent decisions of the Board of Immigration Appeals can be expected to provide future guidance, and revisions to the current asylum regulations (8 CFR 208) will include a provision on the standard of proof. For the present, you should read the decision and apply the Court's holding that the standard is less than clear probability.

The Supreme Court held that asylum remains a discretionary decision of the Attorney General and his delegates. However, it would not be appropriate to utilize discretionary denials to effectively reinstitute the higher standards rejected by the court, arguing that the Court had limited its opinion to the burden of proof standard. Discretionary denials of asylum to aliens who meet the "refugee" definition should only occur in cases where significant adverse factors outweigh any favorable factors in the case, and such adverse factors are clearly supported in the written decisions.



Richard E. Norton  
Associate Commissioner

Attachment

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**CONSULAR EFFICIENCY**

**AMENDMENTS**

SUMMARY OF THE  
STATE DEPARTMENT CONSULAR EFFICIENCY AMENDMENTS  
DATE OF ENACTMENT NOVEMBER 14, 1986

- Sec. 1. IMMIGRATION AND NATIONALITY ACT AMENDMENTS OF 1986
- Sec. 2. LEGAL CUSTODY REQUIREMENTS FOR ADOPTIVE CHILDREN

Sec. 101(b)(1)(e) is amended by eliminating the present requirement that adopted children have been in the custody of the adopting parent for two years following the adoption in order to be recognized as the "child" of the adoptive parent or parents. The amendment allows the two year custody requirement to be met by including periods of time preceding the formal adoption when the child has been placed in the legal custody of the adopting parent or parents prior to the formal adoption.

- Sec. 3. DEFINITION OF CHILD

Sec. 101(c)(1) where "child" is defined for Title III purposes dealing with nationality and naturalization is deleted. The pertinent parts of the definition of child for Title III purposes have been repositioned in INA Sections 320, 321, and 322.

- Sec. 4. FOREIGN STATE CHARGEABILITY FOR IMMIGRANT VISA ISSUANCE

Sec. 202(b) is amended to extend the privilege of foreign state chargeability to a spouse and children who are following to join a principal alien. The old law addressed accompanying only and the change now allows for valid reasons, for the issuance of an immigrant visa to spouse and children following to join.

- Sec. 5. EDITORIAL CHANGES, ELIMINATION OF FINGERPRINTING REQUIREMENTS AND DUPLICATE COPIES OF VISA PETITIONS

221(a) is amended by substituting the words "foreign state" for the word "quota" wherever the latter appears and changing the word "immigration" to read "immigrant" and deleting the words "one copy of".

221(b) is amended by repealing the fingerprint requirements for every visa applicant.

221(c) is amended to remove the requirement for duplicate copies of immigrant visas to be retained by the consular officer.

Sec. 6. DUPLICATE COPIES OF DOCUMENTS REQUIREMENT ELIMINATED

Sec. 222(b) is amended to eliminate the requirement that an immigrant visa applicant submit documentation in duplicate to the consular officer.

Sec. 7. TRANSPORTATION TO THE U.S. FROM CONTIGUOUS TERRITORY

Sec. 212(a)(24), 238(a), and 241(a)(10) are repealed. These sections dealt with the entry of aliens into the United States from foreign contiguous territories or adjacent islands who arrived there on non-signatory lines.

Sec. 8.  
9, 10. FINGERPRINT AMENDMENTS

Sec. 261, 262, and 264 are amended to delete fingerprinting requirements.

Sec. 12. CITIZENSHIP TRANSMISSION

Sec. 301(g) is amended to reduce the period of physical presence in the United States required for a U.S. citizen to transmit U.S. citizenship to foreign born children from 10 years, 5, after age 14, to 5 years at least 2 after age 14.

Sec. 13. NATIONALITY FOR OUT OF WEDLOCK CHILDREN THROUGH FATHER

Sec. 309 of the Act (8 U.S.C. 1409) is amended to grant U.S. nationality to children of U.S. citizen natural fathers if certain conditions are met.

Sec. 14,  
15, 16. AMENDMENTS TO CLARIFY "CHILD"

Sec. 320(a), 321(a) and 322(a) are amended by adding "unmarried" to define a child as unmarried.

Sec. 17. REVOCATION OF NATURALIZED CITIZENSHIP

Sec. 340(d) is amended by reducing from five years to one year the time within which after naturalization the government can revoke citizenship in the case of a naturalized citizen who establishes a permanent residence abroad.

Sec. 18. EXPATRIATION

Sec. 349(a) is amended to bring language of the Act into conformity with existing case law (Vance vs. Terrazas).

Voluntariness and intent to relinquish U.S. nationality are now required elements in any finding of loss of nationality.

Eliminates provisions for loss of nationality by those under age 18 who acquire foreign nationality through an application of their parents or guardians.

Limits loss of nationality through taking oath of allegiance to a foreign state to persons 18 years of age or older.

Limits loss of nationality by foreign military service to the case of service in foreign armed forces engaged in hostilities against the United States or by serving as an officer in a foreign armed force.

Limits loss of nationality by foreign government employment to those persons 18 years of age or older

Sec. 19. VOLUNTARY LOSS OF CITIZENSHIP PRESUMPTION FOR NATURALIZED CITIZENS

Sec. 349(b) is repealed. The section formerly allowed a presumption of voluntariness to be drawn from performing an expatriative act as enumerated in the section and ten years of physical presence in a foreign state prior to such expatriating act.

Sec. 20. NON-EXPATRIATING ACTS PERFORMED UNDER AGE 18

Sec. 351(a) is amended to restrict the possibility of retaining U.S. citizenship for those under age 18 who perform expatriating acts to the case of military service and formal renunciation of U.S. nationality.

Sec. 21. INVENTORY EFFECTS OF DECEASED U.S. CITIZENS ABROAD

22 U.S.C. 4195 is amended by striking the words "article by article" to facilitate inventory of deceased U.S. citizen effects abroad.

Sec. 22. CERTIFICATE OF CITIZENSHIP

Sec. 341 is amended by adding subsection (b) to allow administrative naturalization for adopted children of U.S. citizens under the following conditions: adopted child must be under the age of 18; child must have been adopted before the child reached the age of 16 by a U.S. citizen parent or parents; the adopted child must be residing in the United States in the custody of the adoptive citizen parent or parents pursuant to a lawful admission for permanent residence, and the adoptive parent (if only one parent) or parents must be United States citizen(s).

# CHART NO. 1

For determining whether LEGITIMATE CHILDREN BORN OUTSIDE THE U.S. acquired U.S. citizenship at birth.

RESIDENCE REQUIRED OF			
PERIOD	PARENTS	USC PARENT	CHILD
<b>STEP 1</b> Select period in which child was born.	<b>STEP 2</b> Select applicable parentage.	<b>STEP 3</b> Measure citizen parent's residence against the requirements for the period in which child was born. (The child acquired U.S. citizenship at birth if, at time of the child's birth, citizen parent had met applicable residence requirements.)	<b>STEP 4</b> Determine whether child has since lost U.S. citizenship. (The child lost on the date it became impossible to meet necessary requirements—never before age 26.)
Prior to 5/24/34.	Father citizen.	Citizen father had resided in the U.S. (Only father could transmit in this period.)	None.
On/after 5/24/34.	Both parents citizens.	One had resided in the U.S.	None.
	One citizen and one alien parent.	Citizen had resided in the U.S.	5 years' residence in U.S. or its outlying possessions between ages 13 and 21—or 2 years' continuous presence in U.S. between ages 14 and 28. (NONE, if at time of child's birth, citizen parent was employed by a specified U.S. organization. This exemption is not applicable if parent transmitted under *(1) or *(2) opposite.)
On/after 1/13/41 and prior to 12/24/52.	One citizen and one alien parent.	Citizen had resided in U.S. or its outlying possessions 10 years, at least 5 of which were after age 16, or if citizen parent served honorably in U.S. Armed Forces: *(1) between 12/7/41 and 12/31/46, 5 of the required 10 years may have been after age 12; or *(2) between 12/31/46 and 12/24/52, parent needed 10 years physical presence, at least 5 of which were after age 14.	(1) (2) (4)
	Both parents citizens.	One had resided in the U.S. or its outlying possessions.	None.
On/after 12/24/52 and prior to 11/14/86.	Both parents citizens.	One had resided in the U.S. or its outlying possessions. (3)	None.
	One citizen and one alien parent.	Citizen has been physically present in US or its outlying possessions 10 years, at least 5 of which were after age 14. (3)	None.
On/after 11/14/86	Both parents citizens.	One had resided in the U.S. or its outlying possessions. (3)	None.
	One citizen and one alien parent.	Citizen had been physically present in U.S. or its outlying possessions 5 years, at least 2 of which were after age 14. (3)	None.

**NOTES:** (1) Absence of less than 60 days in the aggregate will not break continuity of physical presence for this purpose. Honorable service in U.S. Armed Forces counts as residence or physical presence for this purpose.

(2) No specific period of residence is required if alien parent naturalized before child reaches 18 years and child begins to reside permanently in U.S. prior to 18th birthday.

(3) Physical presence abroad of dependent unmarried son or daughter as member of household of a person serving honorably in U.S. Armed Forces or employed by U.S. Government or international organization may be counted as physical presence.

(4) The retention requirement was repealed by Act of 10/10/78 (P.L. 95-432). Persons who had not on 10/10/78 already failed to retain are relieved from having to do so. P.L. 95-432 is prospective only. Those who have previously lost citizenship by a failure to satisfy the retention requirements of the Acts of 1934, 1940, and 1952 may not be reinstated.

## CHART NO. 2

For determining whether ILLEGITIMATE CHILDREN BORN OUTSIDE THE U.S. acquired U.S. citizenship as of the dates of their birth.

PART 1 - Child not legitimated.

PART 2 - Child legitimated by an alien father.

PART 3 - Child legitimated by a U.S. citizen father.

PART 4 - Child legitimated or acknowledged by U.S. citizen father.

PART 1	CHILD NOT LEGITIMATED
Prior to 12/24/52.	Mother was a U.S. citizen who had resided in the U.S. or its outlying possessions prior to birth of child. NOTE: A child born before 5/24/34 acquired U.S. citizenship when the Nationality Act of 1940, effective 1/13/41, bestowed citizenship retroactive to date of birth.
On/after 12/24/52.	Mother was a U.S. citizen who had been physically present in the U.S. or its outlying possessions for a continuous period of 1 year prior to birth of child.

PART 2	CHILD LEGITIMATED BY AN ALIEN FATHER
An illegitimate child did not acquire U.S. citizenship through its U.S. citizen mother if he were legitimated by an <u>alien father</u> and all three of the following elements were present:	

1. Child was born before 5/24/34,
2. Child was legitimated before age 21, and
3. Such legitimation was before 1/13/41.

PART 3	CHILD LEGITIMATED BY U.S. CITIZEN FATHER
Date of child's birth.	If the child did not acquire citizenship through its mother, but was legitimated by a U.S. citizen father under the following conditions, apply the law pertinent to legitimate children born in a foreign country. (Chart No. 1)
Prior to 1/13/41.	1. Child legitimated at any time after birth under law of father's domicile. 2. Father had the required residence at time of child's birth. 3. <u>No residence required for child to retain U.S. citizenship.</u>
On/after 1/13/41 and prior to 12/24/52.	1. Child legitimated before age 21 under law of father's domicile. 2. Father had the required residence at time of child's birth. 3. Child complies with residence requirements for retention.
On/after 12/24/52.	1. Child legitimated before age 21 under law of father's domicile. 2. Father had the required residence at time of child's birth. 3. Child <u>must be unmarried.</u>

PART 4	CHILD LEGITIMATED OR ACKNOWLEDGED BY U.S. CITIZEN FATHER
Relationship established on/after 11/14/86	1. Child/father blood relationship established. 2. Father, unless deceased, must provide written statement under oath that he will provide financial support for child until child reaches 18. 3. Child must be legitimated under law of child's residence or domicile, <u>or</u> father must acknowledge paternity of child in writing under oath, <u>or</u> paternity must be established by competent court. 4. Father must have been the U.S. citizen and met the required residence requirements at time of child's birth. 5. Child must be under age 18.

# CHART NO. 3

## DEPRIVATIVE CITIZENSHIP OF CHILDREN

If, during an indicated historical period while the child was under statutory age, the specified parent(s) naturalized as U.S. citizens and the child was lawfully admitted for permanent residence, the child derived U.S. citizenship upon the completion of these two actions, except as noted in the Remarks column. It is immaterial which of the actions occurred last.

PERIOD IN WHICH LAST CONDITION WAS FULFILLED	STATUTORY AGE BEFORE WHICH LAST CONDITION MUST BE FULFILLED	IMMIGRATION STATUS OF CHILD	NATURALIZATION OF PARENTS(S)	REMARKS
Prior to 5/24/34.	21 years	LAWFUL ADMISSION OF THE CHILD TO THE UNITED STATES FOR PERMANENT RESIDENCE	Either parent	
On or after 5/24/34 and prior to 1/13/41.	21 years		Either parent	U.S. citizenship began 5 years after child began to reside permanently in U.S.
On or after 1/13/41 and prior to 12/24/52.	18 years		Both parents (1)	None.
On or after 12/24/52.	16 years		Both parents (1)	Illegitimate child did not derive in this period. (2)
On or after 10/5/78.	18 years		Both parents (1) (3)	Marriage bars derivation in this period.
On or after 11/14/86.	18 years		Both parents (1) (4)	Marriage bars derivation in this period.

**NOTES:** (1) Includes the surviving parent; the parent having legal custody of the child where there has been a legal separation of the parents; the alien parent when the other parent is a U.S. citizen; or, except during the period 1/13/41 to 12/23/52 inclusive the mother of an illegitimate child.

(2) The illegitimate child who did not derive in this period derived U.S. citizenship on 12/24/52 if under the age of 16 years on that date and if the two necessary actions still existed.

(3) After 10/5/78, adopted children can derive in the same manner as natural-born children if they were adopted by alien parent(s) while under age 16 and are residing in the custody of their adoptive parent(s) pursuant to a lawful admission for permanent residence when their adoptive parent(s) are naturalized. The adopted child must be under age 18 years at time of parent(s) naturalization.

(4) On or after 11/14/86, adopted children derive in the same manner as natural-born children if they were adopted by U.S. citizen parent(s) while under age 16 and are residing in the custody of their adoptive parent(s) pursuant to a lawful admission for permanent residence; the adopting parent and spouse, if married, are both U.S. citizens at the time N-600 is filed; and the children are under age 18 at the time N-600 is filed. Child is not a U.S. citizen until oath of allegiance has been administered.

Section 203(b) of the Immigration and Nationality Act provides that visas given to applicants in order of preference classes. However, Section 202(e) of the Act provides that, whenever the maximum number of visas has been made available to natives of a foreign state or dependent area in any fiscal year, in the next following fiscal year visas will be made available by applying the preference limitations to the foreign state (20,000) or dependent area (600) limitation. The provisions of Section 202(e) apply at present to the following chargeability areas: DOMINICAN REPUBLIC, MEXICO, PHILIPPINES, and HONG KONG.

5. On the chart below the listing of a date under any class indicates that the class is oversubscribed (See paragraph 1); "C" means current, i.e., that numbers are available for all qualified applicants; and "U" means unavailable, i.e., that no numbers are available.

#### PREFERENCE

<u>CHARGEABILITY</u>	<u>1st</u>	<u>2nd</u>	<u>3rd</u>	<u>4th</u>	<u>5th</u>	<u>6th</u>	<u>NONPREF- ERENCE</u>
ALL CHARGE- ABILITY AREAS EXCEPT THOSE LISTED BELOW	C	03-08-86	12-01-86	C	12-22-81	01-01-86	U
CHINA-mainland born	C	03-08-86	12-01-86	C	11-01-80	U	U
DOMINICAN REPUBLIC	C	05-22-85	12-01-86	C	12-22-81	01-01-86	U
INDIA	C	03-08-86	12-01-86	C	07-08-81	U	U
KOREA	C	03-08-86	12-01-86	C	10-22-80	U	U
MEXICO	C	10-22-77	12-01-86	11-01-79	12-15-76	06-22-83	U
PHILIPPINES	12-01-81	04-22-81	01-01-71	12-15-79	03-15-76	05-01-84	U
HONG KONG	08-20-84	10-31-79	01-20-81	07-01-80	07-26-74	01-08-80	U

The Department of State has available a recorded message with visa availability information which can be heard at: (area code 202) 663-1514. This recording will be updated in the middle of each month with information on cut-off dates for the following month.

#### B. PANAMA CANAL NUMBERS

The Panama Canal Act of 1979 (PL96-70) provides for the admission as special immigrants under subparagraphs (E), (F) and (G) of section 101(a)(27) of the INA of up to 15,000 former employees of the Panama Canal Company or Canal Zone Government, at the rate of no more than 5,000 in any fiscal year. At the present time visas are available to qualified applicants on a "current" basis.

## TABLE OF CONTENTS

	<u>PAGE</u>
1. Presidential Determination No. 87-1 (Fiscal Year 1987 Refugee Ceilings).....	1 - 2
2. Refugee Processing Priorities by Region As of July 1987.....	3 - 4
3. Requesting Humanitarian Parole for "Border Khmer".....	5 - 7
4. Asylum Procedures.....	8 - 9
5. Unavailability of Asylee Adjustment Numbers for the Remainder of Fiscal Year 1987.....	10 - 11
6. Request for Asylum in the United States Form I-589.....	12 - 17
7. Application to Classify Status of Alien Relative for Issuance of Visa 92 or 93 Form I-730.....	18 - 19

THE WHITE HOUSE

WASHINGTON

October 17, 1986

Presidential Determination  
No. 87-1

MEMORANDUM FOR THE HONORABLE JONATHAN MOORE  
United States Coordinator for  
Refugee Affairs

SUBJECT: FY 1987 Refugee Ceilings

In accordance with the relevant statutes and after appropriate consultations with the Congress, I have determined that:

- o The admission of up to 70,000 refugees to the United States during FY 1987 is justified by humanitarian concerns or is otherwise in the national interest.
- o The 70,000 worldwide admissions ceiling shall be allocated among the regions of the world as follows: 32,000 for first asylum from East Asia and 8,500 for the East Asian Orderly Departure Program; 10,000 for Eastern Europe and the Soviet Union; 8,000 for the Near East and South Asia; 3,500 for Africa; and 4,000 for Latin America and the Caribbean. An additional 4,000 numbers shall be held as an unallocated reserve for contingent refugee admissions needs.
- o The Congress shall be notified in advance if there is a need to use numbers from the unallocated reserve. The admission of refugees using numbers from this reserve shall be contingent upon the availability of private sector funding sufficient to cover the essential and reasonable costs of such admissions.
- o An additional 5,000 refugee admissions numbers shall be made available for the adjustment to permanent resident status of aliens who have been granted asylum in the United States, as this is justified by humanitarian concerns or is otherwise in the national interest.

In accordance with provisions of the Immigration and Nationality Act and after appropriate consultations with the Congress, I specify that special circumstances exist such that, for the purposes of admission under the limits established above, the following persons, if they otherwise qualify for admission, may be considered refugees of special humanitarian concern to the United States even though they are still within their countries of nationality or habitual residence.

- o Persons in Vietnam with past or present ties to the United States, including Amerasian children; and
- o Present and former political prisoners, and persons in imminent danger of loss of life, and their family members, in countries of Latin America and the Caribbean.

This determination shall be transmitted to the Congress immediately and shall be published in the Federal Register.

*Ronald Reagan*

cc: The Secretary of State  
The Attorney General  
The Secretary of Health and Human Services

REFUGEE PROCESSING PRIORITIES BY REGION,  
AS OF JULY 1987

	<u>P-1</u>	<u>P-2</u>	<u>P-3</u>	<u>P-4</u>	<u>P-5</u>	<u>P-6</u>
<u>AFRICA</u>						
Africans in Sudan	X	X	X	X	X	
African Elsewhere in Africa	X	X	X	X	X	X
Africans in Europe <u>1/</u>	X	X	X	X	X	
<u>EAST ASIA</u>						
Cambodians	X	X	X	X	X	<u>2/</u>
Highland Lao	X	X	X	X	X	<u>3/</u>
Lowland Lao	X	X	X	X	X	<u>4/</u>
Vietnamese						
Land	X	X	X	X	X	<u>5/</u>
Boat	X	X	X	X	X	<u>6/</u>
<u>EASTERN EUROPEAN &amp; SOVIET UNION</u>	X	X	X	X	X	X
<u>NEAR EAST/SOUTH ASIA</u>	X	X	X	<u>X7/</u>		
<u>LATIN AMERICA/CARIBBEAN</u>						
Cubans	<u>8/</u>					
Non-Cubans	<u>X</u>	X	<u>X9/</u>			

- 
- 1/ Refugee processing for Africa in Europe is only available for those who registered with VOLAG or UNHCR before November 19, 1986.
  - 2/ Plus old P-6's (those who arrived before April 30, 1982) and P-6 category cases for family card holders (those who arrived in Khao-I-Dang before the August 1984 cut-off date).
  - 3/ Plus old P-6's.
  - 4/ Plus old P-6's.
  - 5/ Plus P-6 category cases.
  - 6/ Plus old P-6's. Also we recently did a one-time processing of P-6 category cases and compelling P-6's for Vietnamese in Malaysia and Indonesia.
  - 7/ P-4 has been expanded for the Near East and South Asia region to include special categories for victims of religious persecution (such as Iranian Baha'is, Jews, Christians and Zoroastrians.)
  - 8/ Cubans are processed for refugee status if they have served ten years in prison as political prisoners and/or other compelling cases.
  - 9/ And other deserving cases.

## **U.S. Refugee Processing Priorities:**

**PRIORITY ONE, COMPELLING CONCERN/INTEREST:** Exceptional cases (a) of refugees in immediate danger of loss of life and for whom there appears to be no alternative to resettlement in the United States; or (b) of refugees of compelling concern to the United States, such as former or present political prisoners and dissidents.

**PRIORITY TWO, FORMER U.S. GOVERNMENT EMPLOYEES:** Refugees employed by the U.S. government for at least one year prior to the claim for refugee status. This category also includes persons who were not official U.S. government employees but who for at least one year were so integrated into U.S. government offices as to have been in effect and appearance U.S. government employees.

**PRIORITY THREE, FAMILY REUNIFICATION:** Refugees who are spouses, unmarried sons, unmarried daughters, or parents of persons in the United States. (The status of the anchor relative in the United States must be one of the following: U.S. citizen, lawful permanent resident alien, refugee, or asylee.)

**PRIORITY FOUR, OTHER TIES TO THE UNITED STATES:** (A) Refugees employed by U.S. foundations, U.S. voluntary agencies or U.S. business firms for at least one year prior to the claim for refugee status; and (b) refugees trained in the United States or abroad under U.S. auspices.

**PRIORITY FIVE, ADDITIONAL FAMILY REUNIFICATION:** Refugees who are (a) married sons or married daughters of persons in the United States; (b) unmarried siblings of persons in the United States; (c) married siblings of persons in the United States; (d) grandparents of persons in the United States; (e) grandchildren of persons in the United States; or (f) more distantly related individuals who are part of the family group and dependent on the family for support. (The status of the anchor relative in the United States must be one of the following: U.S. citizen, lawful permanent resident alien, refugee, or asylee.)

**PRIORITY SIX, OTHERWISE OF NATIONAL INTEREST:** Other refugees in specified regional groups whose admission is in the national interest.

**Source:** Bureau for Refugee Programs, U.S. Department of State.

## REQUESTING HUMANITARIAN PAROLE FOR "BORDER KHMER"

### INTRODUCTION

As announced by the Secretary of State on September 28, 1985, the Administration intends to make available on a limited basis humanitarian parole for qualifying persons who are among the so-called "Border Khmer" population. This paper outlines the procedures to be followed and requirements to be met by prospective sponsors who intend to request humanitarian parole admission to the United States for persons among the "Border Khmer" population, as well as persons residing at Khao I Dang.

### SECTION 212(d)(5) PAROLE BACKGROUND

Section 212(d)(5) of the Immigration and Nationality Act (as amended) provides that the Attorney General may in his discretion parole into the United States temporarily under such conditions as he may prescribe, "for emergent reasons or reasons deemed strictly in the public interest" any alien applying for temporary admission to the United States. Under this authority the Immigration and Naturalization Service has entertained, and will continue to entertain, requests for humanitarian parole on behalf of Cambodian nationals among the so-called "Border Khmer"

Importantly, the Attorney General's parole authority is discretionary; and parole is not utilized when other means of lawful entry are available. Since passage of the Refugee Act of 1980, for example, the use of humanitarian parole for refugees is specifically barred except when it has been determined to be in the public interest by both the Administration and Congress.

Further, parole is a much more restrictive and limited benefit than is refugee or normal immigrant visa admission to the United States. For example persons paroled into the United States: (a) are not eligible for many standard refugee resettlement assistance programs and services (e.g. refugee cash and medical assistance); (b) absent other qualifying factors or special legislation, parolees are not able to adjust their immigration status; (c) parolees require prior authorization to work; and (d) parole carries higher sponsorship assurance requirements than does refugee admission.

Finally, it is important to note that applications for asylum from persons paroled under this program will not be viewed favorably. The determination concerning the admission of refugees is a specific authority which requires congressional consultation. This program is not intended to set up a refugee admission vehicle which avoids this consultation process.

### WHO MAY REQUEST

A request for humanitarian parole may be submitted by a sponsoring relative, an attorney, Representative or Senator or other interested individual or organization, such as a national voluntary agency (VOLAG). What is important is that the information furnished be factual, specific, and complete. Requests that are not complete will be returned or deferred until the complete information needed to make a determination is supplied. Requests that contain misrepresentation or false statements may be treated prejudicially.

#### PROCEDURE AND REQUIRED INFORMATION


1. A letter requesting humanitarian parole for a persons or persons (if a family unit is involved) must be submitted to:

Mr. Benjamin Foster  
District Director  
INS  
American Embassy, Box 12  
APO San Francisco, CA 96346-0001

2. The letter request must provide, for each prospective parolee the following information for each prospective parolee:
  - a. name;
  - b. date and place of birth;
  - c. case number, camp registration number, or other identifying information, if known;
  - d. current location (as specific as possible);
  - e. relationship to sponsor (with whatever documentation of same can be provided);
  - f. current address and immigration status of sponsor;
  - g. how and by whom medical care, housing, transportation, food and other subsistence needs will be met;
  - h. an affidavit of support covering all persons for whom parole is requested;
  - i. a copy of approved visa petition form, if applicable; and/or
  - j. statement of the emergent reason why parole should be granted.
3. Each request will be reviewed against file information in Thailand by the INS Bangkok office. Interviews of prospective beneficiaries may also be conducted, as appropriate, by either an INS officer or a consular officer.
4. The party requesting humanitarian parole will be notified in writing of the decision in each case.
5. parole shall be authorized for the period of time until it is expected that the person will be eligible to adjust to lawful permanent resident. For those for whom eligibility for adjustment is not currently foreseen, parole shall be authorized for an indefinite period.
6. The District Director in Bangkok will grant employment authorization to the parolees.

#### DETERMINATION FACTORS

1. INS will view sympathetically requests for parole for beneficiaries of approved immigrant visa petitions who are determined to be eligible for immigration except for the availability of a visa number.

- 
2. Additionally, cases involving persons who are closely related to and wholly dependent on beneficiaries of immigrant visa petitions (current and non-current) and Visas 93 requests for spouses and minor unmarried children of refugees already in the U.S.) will, absent derogatory factors, be viewed sympathetically.
  3. Finally, INS will continue to consider requests made on behalf of an individual where it is established that parole is needed for an "emergent" reason or a reason in the public interest.

U.S. Department of Justice  
Immigration and Naturalization  
Service  
Central Office  
Refugee, Asylum and Parole  
Washington, DC 20536

Revised  
October 1986

## ASYLUM PROCEDURES

- 1) The applicant submits an asylum application on Form I-589 along with Biographic Information (Form G-325) and fingerprints (Form FD-258). If the applicant's family is residing in the United States they may be included on the application. If they are not residing in the United States, the applicant will be able to file an I-730, one asylum status is granted.
2. If the office to which the application is submitted conducts "up-front adjudications" (UFA) the applicant will be interviewed immediately. If not, an interview will be scheduled probably to take place within 30 days. In either case, work authorization will be considered at the time of interview.
- 3) After the interview, the adjudicating officer will forward a request for an advisory opinion to the Department of State, Bureau of Human Rights and Humanitarian Affairs (BHRHA) .
- 4) The Bureau will render an opinion and notify the office requesting the opinion.
- 5) The asylum officer will make a final decision based on the record, the interview and the opinion from BHRHA. In the event it is an approval, the District Director will notify the asylum applicant of the approval.
- 6) Following an approval notice, the applicant will receive continued work authorization. After one year, the applicant will be able to apply for adjustment of status to lawful permanent residence under Section 209 of the Immigration and Nationality Act.
- 7) If it is a denial, the District Director will issue a notice of intent to deny and inform the applicant that he/she has 15 days to rebut the proposed denial. The applicant will also be notified that in the event of a final denial, work authorization will terminate 15 days after the date stamped on the denial.
- 8) If, after rebuttal, the applicant is able to establish a well-founded fear of persecution, the application will be approved, barring overwhelming adverse factors.
- 9) If, after rebuttal the applicant is not able to establish a well-founded fear of persecution, the application will be denied and the applicant will be notified in writing.
- 10) After denial, the examinations branch will forward the file to investigations and request that an Order to Show Cause (OSC) be issued. Upon issuance of the OSC, the application will be placed in deportation proceedings. In the alternative, an applicant may request a motion to reopen the application if he/she has new evidence that would support the claim of asylum.

- 11) If the applicant does not ask for a reopening, a hearing will be scheduled at which time, the applicant may renew his/her asylum application before the Immigration Judge (who will conduct the hearing). The Immigration Judge will consider the asylum claim, independent of the District Director's decision.
- 12) If the Immigration Judge grants asylum, the applicant will be able to apply for adjustment after one year.
- 13) If the Immigration Judge denies the asylum claim, the applicant will be order deported.
- 14) At this time, the applicant will be processed for deportation unless he/she appeals the deportation order to the Board of Immigration Appeals (BIA).
- 15) If the order of deportation is appealed, the Board will once again consider the asylum claim and render a decision.
- 16) If denied, the applicant has further relief if he/she decides to appeal in a court law.

The asylum process from the time of application through the District Director's notice of approval or denial usually takes from 90 to 150 days. However the deportation and appeal process can become very lengthy.

SUBJECT: UNAVAILABILITY OF ASYLEE ADJUSTMENT NUMBERS FOR THE  
REMAINDER OF FY 1987

REF: COEXM TELEX DATED 9/24/86 RE ASYLEE ADJUSTMENT (CO 208-P)

THE MAY 31, 1986, CUT-OFF DATE FOR FILING OF 209 (SMALL B) ADJUSTMENT APPLICATIONS IN ORDER TO BE GRANTED PERMANENT RESIDENCE DURING THE CURRENT FISCAL YEAR WILL NOT BE CHANGED. ALTHOUGH SERVICE OFFICES MAY COMPLETE ACTION ON ALL ASYLEE ADJUSTMENT APPLICATIONS FILED PRIOR TO JUNE 1, 1986, WITHOUT PRIOR AUTHORIZATION FROM CORAP, THE ASYLEE ADJUSTMENT NUMBERS FOR THE FISCAL YEAR HAVE BEEN EFFECTIVELY EXHAUSTED. ANY UNUSED NUMBERS WILL BE ALLOCATED BY PHONE BY CORAP TO THE DISTRICT OFFICES ON THE NEXT TO LAST WORKING DAY OF THE FISCAL YEAR.

OFFICES SHOULD CONTINUE TO ACCEPT 209 (SMALL B) ADJUSTMENT APPLICATIONS AND INTERVIEW APPLICANTS. FOR ALL APPLICATIONS FOUND APPROVABLE, COPY 2 OF FORM 181 SHOULD BE SENT TO IMDAC ANNOTATED WITH THE DATE OF FILING FOR ADJUSTMENT IN THE UPPER RIGHT HAND CORNER. NOTE THAT THIS COPY WILL BE USED BY IMDAC FOR PURPOSES OF CONTROLLING ASYLEE ADJUSTMENT NUMBERS, AND DOES NOT INVOLVE THE FBI RECORD CHECK PROCEDURE OUTLINED IN MY JANUARY 10, 1987 MEMORANDUM.

WE WILL CONTINUE TO SEEK LEGISLATIVE RELIEF FOR THE OVER-SUBSCRIPTION OF ASYLEE ADJUSTMENT NUMBERS. SUCH AN AMENDMENT WAS INCLUDED IN THE INS IMPROVEMENTS BILL DRAFTED LAST YEAR AND WAS ACTUALLY INCLUDED IN THE EFFICIENCY LEGISLATION PASSED BY THE HOUSE OF REPRESENTATIVES IN THE LAST DAYS OF THE 99TH CONGRESS. YOU SHOULD NOT SUGGEST TO ASYLEE ADJUSTMENT APPLICANTS THAT THIS RELIEF IS EXPECTED DURING THE CURRENT YEAR.

IMDAC IS MAINTAINING A LIST OF ASYLEE ADJUSTMENT APPLICANTS FOUND APPROVABLE AND THEIR FILING DATES. A COMPUTER PRINTOUT OF THIS LIST WILL BE PROVIDED LATER IN THE FISCAL YEAR FOR EACH OFFICE TO CHECK THAT THEIR APPROVABLE 209 (SMALL B) ADJUSTMENT CASES HAVE BEEN PROPERLY RECORDED. THIS LIST WILL BE THE EXCLUSIVE BASIS FOR ALLOCATING THE 5000 FY 1988 ADJUSTMENT NUMBERS ON OCTOBER 1, 1987, AND ANY ADDITIONAL NUMBERS SECURED THROUGH LEGISLATIVE AMENDMENT.

RICHARD E. NORTON  
ASSOCIATE COMMISSIONER  
EXAMINATIONS

REQUEST FOR ASYLUM IN THE UNITED STATES

**INSTRUCTIONS**

**READ ALL INSTRUCTIONS CAREFULLY BEFORE COMPLETING THIS FORM**

**1. General:**

Use typewriter or print legibly in block letters with ballpoint pen.

**DO NOT LEAVE ANY QUESTIONS UNANSWERED.** Where appropriate insert "none" or "not applicable". If you need more space to fully answer any question, use a separate sheet of paper this size and identify each answer with the number of the corresponding question. One form may include an entire family (husband, wife, and children if they are also applying for asylum) except children over age 21 or married, who must file a separate form.

Each applicant age 14 or older must complete the Biographic Information Form G-325A and Fingerprint Chart FD-258.

**2. SUBMISSION OF FORM:**

Be sure to sign, mail or take this form to the Immigration and Naturalization Service having jurisdiction over your place of residence.

**3. FINGERPRINTS:**

Fingerprint cards with instructions for their completion are available at the office of the Immigration and Naturalization Service where you intend to file your application. You may have your fingerprints recorded on Form FD-258 at an office of the Immigration and Naturalization Service, other Law Enforcement Offices, Immigration and Naturalization Service Outreach Centers, Charitable and Voluntary Agencies. The card must be signed by you in the presence of the individual taking your prints, who must then sign his name and enter the date in the spaces provided. It is important to furnish all the information called for on the card.

**4. PASSPORT INFORMATION:**

You will be notified to appear for an interview with an Immigration Officer within 45 days after your form is received. You must bring your passport with you to this interview. If other members of your family are included in your form, they must also appear for the interview and bring their passports.

An immigration officer will interview you regarding asylum and make an evaluation of the propriety of the claim.

You may remain in the United States until a final decision is made on your case (or you are notified otherwise by this Service).

**5. UNITED NATIONS:**

You may, if you wish, forward a copy of your form and other supporting documents to the: Regional Representative of the United Nations, High Commissioner for Refugees, United Nations, 1785 Massachusetts Ave. N.W. Washington, D.C. 20036.

**6. SUPPORTING DOCUMENTS:**

Background materials, such as newspaper articles, affidavits of witnesses or experts, periodicals, journals, books, photographs, official documents, your own statements, etc., must include explanations from you of their relevance to your personal case and situation. Give full citation of your sources, dates, pages, etc.

The burden of proof is upon you to establish that you have a wellfounded fear of persecution on account of your race, religion, nationality, membership in a particular social group or political opinion, and for this reason you are unwilling or unable to return to your country of last residence. To persecute is defined as: "to pursue; to harass in a manner designed to injure, grieve or afflict; to oppress; specifically, to cause to suffer or put to death because of belief".

Answer all questions on this form as to "when", "where", "how", "who", and "why" relating to your claim of persecution.

Attach as many sheets and explanations as necessary to fully explain the basis of your claim.

**7. TRANSLATION:**

Any document in a foreign language must be accompanied by a translation in English. The translator must certify that he or she is competent to translate and that the translation is accurate.

**WORK AUTHORIZATION:**

You may request permission to work while your asylum form is pending. Submit a written statement with this form explaining your reasons and include the original Form I-94 ARRIVAL AND DEPARTURE RECORD of each person seeking work.

Generally, work authorization, if granted, will be valid during the pendency of the form.

**9. PENALTY:**

Title 18, United States Code, section 1546, provides, "whoever knowingly makes under oath any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit or other document containing any such false statement, shall be fined not more than \$2,000 or imprisoned not more than 5 years or both."

REQUEST FOR ASYLUM IN THE UNITED STATES

INS Office:

Date:

1. Family Name		First	Middle Name	2. A number (if any or known)	
All other names used at any time (include maiden name if married)				3. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	4. Marital status <input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Married <input type="checkbox"/> Widowed
I was born: (Month) (Day) (Year) in (Town or City) (State or Province) (Country)					
Nationality — at birth		At present		Other nationalities	
5. If stateless, how did you become stateless?					
6. Ethnic group		7. Religion		8. Languages spoken	
9. Address in United States (In care of, C/O, if appropriate) (Number and street) (Apt. No.) (City or town) (State) (Zip Code)					10. Telephone number (include area code)
11. Address abroad prior to coming to the United States (Number and street) (City) (Province) (Country)					
12. My last arrival in the U.S. occurred on: (Mo/Day/Yr)				As a <input type="checkbox"/> Visitor <input type="checkbox"/> Student <input type="checkbox"/> Stowaway <input type="checkbox"/> Crewman <input type="checkbox"/> Other (Specify)	
At the port of (City/State)				Means of arrival (Name of vessel or airline and flight number, etc.)	
I <input type="checkbox"/> was <input type="checkbox"/> was not inspected				Date authorized stay expires (Mo/Day/Yr)	
13. My nonimmigrant visa number is _____, it was issued by the U.S. Consul on _____ (If none, state "none") (Mo/Day/Yr) at _____ (City, County)					
14. Name and location of schools attended	Type of school	From Mo/Yr	To Mo/Yr	Highest grade completed	Title of degree or certification
15. What specific skills do you have?					16. Social Security No. (if any)
17. Name of husband or wife (wife's maiden name)					
18. My husband or wife resides <input type="checkbox"/> with me <input type="checkbox"/> apart from me (if apart, explain why)					
Address (Apt. No.) (No. and street) (Town or city) (Province or state) (Country)					

19. If in the U.S. is your spouse included in your request for asylum? ☐ Yes ☐ No (If not, explain why)

20. If in the U.S. is spouse making separate application for asylum? ☐ Yes ☐ No (If not, explain why)

21. If in the U.S. are children included in your request for asylum? ☐ Yes ☐ No (If not, explain why)

22. I have ——— sons or daughters as follows: (Complete all columns as to each son or daughter. If living with you state "with me" in last column; otherwise give city and state or foreign country of son's or daughter's residence).

Name	Sex	Place of birth	Date of birth	Now living at

23. Relatives in U.S. other than immediate family

Name	Address	Relationship	Immigration status

24. Other relatives who are refugees but outside the U.S.

Name	Relationship	Country where presently located

25. List all travel or identity documents such as national passport, refugee convention travel document or national identity card

Document type	Document number	Issuing country or authority	Date of issue	Date of expiration	Cost	Obtained by whom

26. Why did you obtain a U.S. visa?

27. If you did not apply for a U.S. visa, explain why not?

28. Date of departure from your country of nationality (Mo/Day/Yr)

29. Was exit permission required to leave your country? ☐ Yes ☐ No (If so, did you obtain exit permission ☐ Yes ☐ No (If not, explain why)

30. Are you entitled to return to country of issuance of your passport ☐ Yes ☐ No Travel document ☐ Yes ☐ No Or other document ☐ Yes ☐ No (If not, explain why)

31. What do you think would happen to you if you returned? (Explain)

32. When you left your home country, to what country did you intend to go?

33. Would you return to your home country? ☐ Yes ☐ No (Explain)

34. Have you or any member of your immediate family ever belonged to any organization in your home country? ☐ Yes ☐ No. (If yes, provide the following information relating to each organization: Name of organization, dates of membership or affiliation, purpose of the organization, what, if any, were your official duties or responsibilities, and are you still an active member. (If not, explain)

35. Have you taken any action that you believe will result in persecution in your home country? ☐ Yes ☐ No (If yes, explain)

36. Have you ever been ☐ detained ☐ interrogated ☐ convicted and sentenced ☐ imprisoned in any country? ☐ Yes ☐ No (If yes, specify for each instance: what occurred and the circumstances, dates, location, duration of the detention or imprisonment, reason for the detention or conviction, what formal charges were placed against you, reason for the release, names and addresses of persons who could verify these statements. Attach documents referring to these incidents, if any).

37. If you base your claim for asylum on current conditions in your country, do these conditions affect your freedom more than the rest of that country's population? ☐ Yes ☐ No (If yes, explain)

38. Have you, or any member of your immediate family, ever been mistreated by the authorities of your home country/country of nationality ☐ Yes ☐ No. If yes, was it mistreatment because of ☐ Race ☐ Religion ☐ Nationality ☐ Political opinion or ☐ Membership of a particular social group? Specify for each instance: what occurred and the circumstances, date, exact location, who took such action against you and what was his/her position in the government, reason why the incident occurred, names and addresses of people who witnessed these actions and who could verify these statements. Attach documents referring to these incidents.

39. After leaving your home country, have you traveled through (other than in transit) or resided in any other country before entering the U.S.? ☐ Yes ☐ No (If yes, identify each country, length of stay, purpose of stay, address, and reason for leaving, and whether you are entitled to return to that country for residence purposes.

40. Why did you continue traveling to the U.S.?

41. Did you apply for asylum in any other country? ☐ Yes—Give details ☐ No—Explain why not

42. Have you been recognized as a refugee by another country or by the United Nations High Commissioner for Refugees? ☐ Yes ☐ No (If yes, where and when)

43. Are you registered with a consulate or any other authority of your home country abroad? ☐ Yes—Give details ☐ No—Explain why not

44. Is there any additional information not covered by the above questions? (If yes, explain)

45. Under penalties of perjury, I declare that the above and all accompanying documents are true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
(Signature of Applicant)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Interviewing Officer)

ACTION BY ADJUDICATING OFFICER

\_\_\_\_\_  
(Adjudicating Officer)

\_\_\_\_\_  
(Date of Interview)

☐ GRANTED

☐ DENIED

\_\_\_\_\_  
(Date)

Advisory opinion requested ☐

\_\_\_\_\_  
(Date)

# Instructions - Please Read Carefully

If you do not follow these instructions your application may be returned, and final action delayed.

## 1. Eligibility: You may file this application if you:

- A. Were granted refugee status under Section 207 or received asylum status under Section 208 of the Immigration and Nationality Act (INA), *or*
- B. Were admitted as a refugee or received asylum under the same sections of law and subsequently adjusted, *and*
- C. Benefit is available for the "spouse" and/or "child" as those terms are defined in Section 101 (a) (35) and Section 101 (b) (1) (A) through (E) of the INA, *and*
- D. Your relationship to your husband, wife, or child existed prior to approval of your refugee or asylee status, *and*
- E. Your husband, wife, or child have never had the status of a refugee or asylee in the United States.

## 2. Supporting documents: The following documents should be submitted with the application to prove your relationship to your husband, wife, or child:

- A. *If you are applying for your husband or wife*, a certificate of your marriage, and proof of termination of any previous marriage(s) of yours and/or your husband's or wife's.
- B. *If you are a mother, applying for your child*, the birth certificate of the child, showing your name as the mother.
- C. *If you are a father, applying for your child*, a certificate of your marriage to the mother, proof of termination of any marriages of either parent prior to the birth of your child, and a birth certificate of your child showing the names of both parents.

## 3. Secondary evidence: If it is not possible to obtain any one of the documents or records requested above, secondary evidence such as school records, affidavits, photographs, letters, may be submitted for consideration.

## 4. Documents in general: All documents must be submitted in the original or certified copy. If you want the original returned to you, and if copies are by law permitted to be made, you may submit photocopies or typewritten copies. Photocopies, submitted without the original, will be accepted only if certified by an Immigration Officer, a Consular Officer, an attorney, or a representative of a recognized nonprofit voluntary agency. The certification must state the copy was compared with the original and found to be identical.

## 5. Translations: Any document in a foreign language must be accompanied by a translation in English. The translator must certify that he or she is competent to translate and that the translation is accurate.

## 6. Submission of application: The completed application must be taken to the office of the Immigration and Naturalization Service having jurisdiction over your place of residence. If applying on behalf of your unmarried child, the application must be submitted in sufficient time for action to be completed, and for the child to obtain travel authorization and reach the United States before the date on which that child will be 21 years of age.

## 7. Penalties: Severe penalties are provided by law for knowingly and willfully falsifying or concealing a material fact or using any false document in the submission of this application.

## 8. Authority: The authority for collecting the information requested on this form is contained in 8 U.S.C. 1154 (a). Submission of the information is voluntary. The principal purpose for which the information is collected is to determine the eligibility of your husband, wife, and/or child for the benefits sought. The information may also, as a matter of routine use, be disclosed to any other federal, state, and local law enforcement and regulatory agencies. Failure to provide all of the information requested may result in the denial of your application.

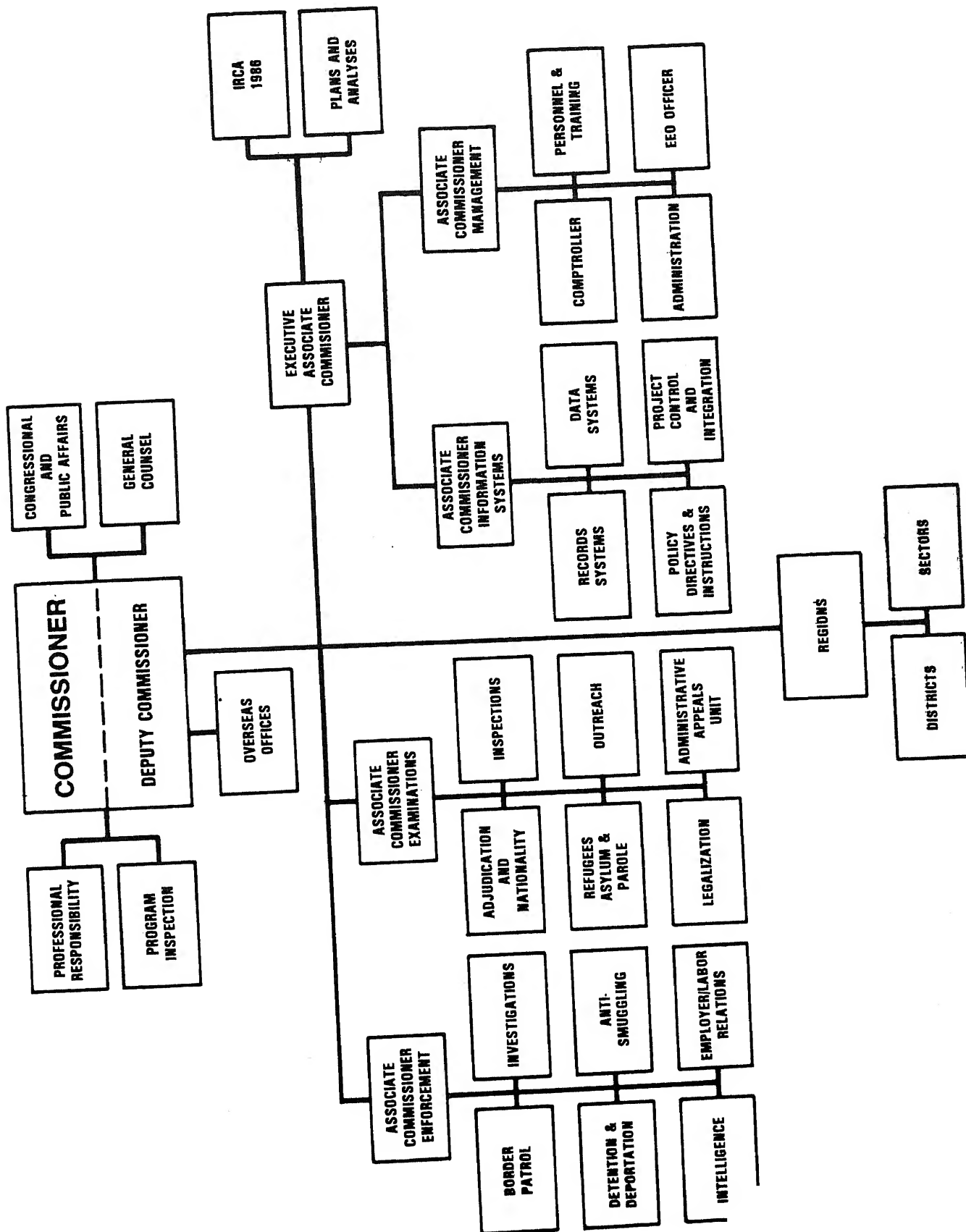
## To the Immigration and Naturalization Service:

If spouse and/or child are in the United States the original of a completed Form I-730 with copies of supporting documents should be placed in the respective "A" files. A copy of approval with copies of supporting documents are to be mailed to the Department of State. (See O.I. 207.8(b) and (c); O.I. 208.15(b) and (c)).

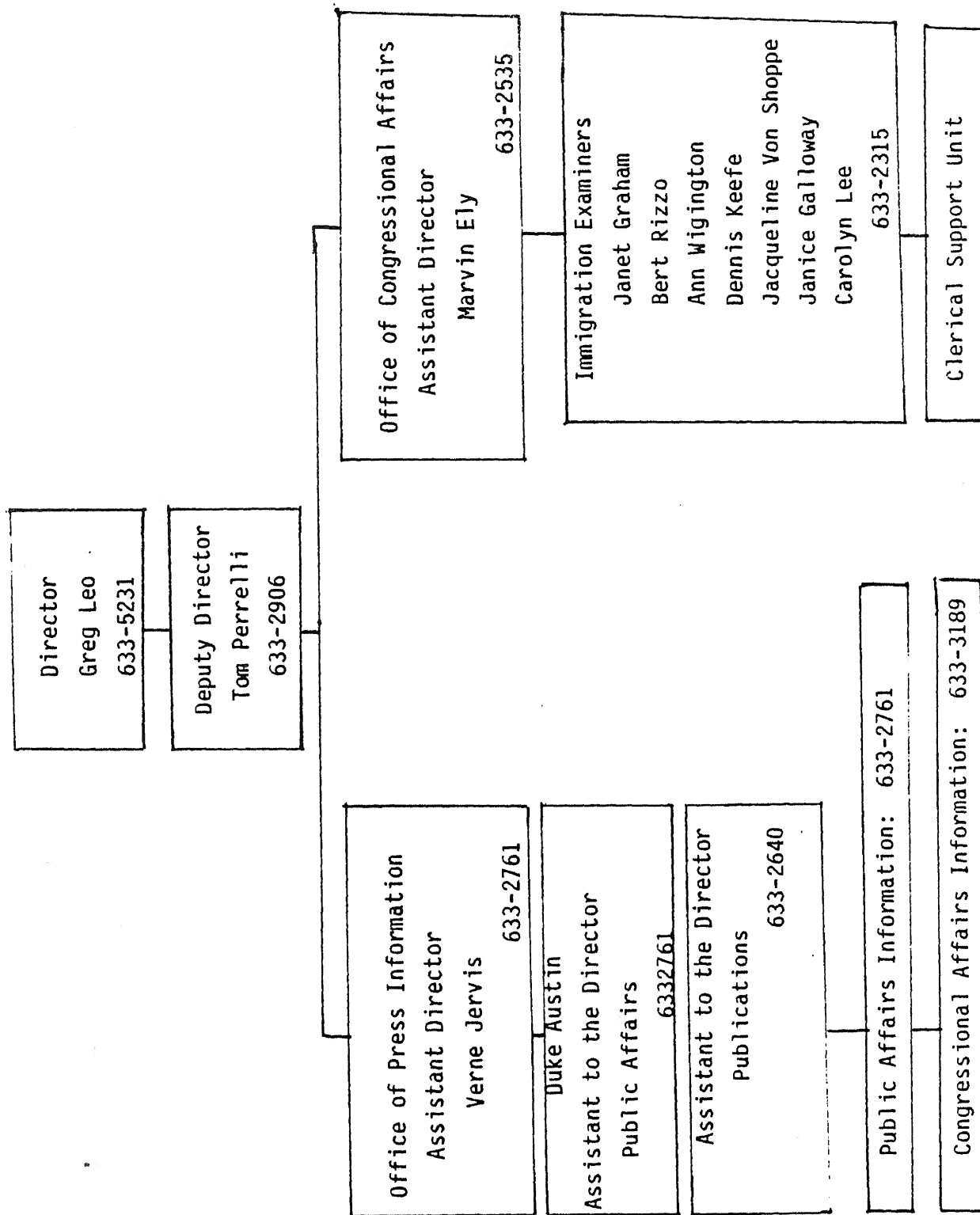
If spouse and/or child are overseas, the original of the completed Form I-730 with copies of supporting documents should be placed in "A" file of principal applicant in the United States requesting benefit



# IMMIGRATION AND NATURALIZATION SERVICE



ORGANIZATIONAL STRUCTURE: OFFICE OF CONGRESSIONAL AND PUBLIC AFFAIRS



OFFICE OF CONGRESSIONAL AND  
PUBLIC AFFAIRS

<u>NAME</u>	<u>TELEPHONE</u>	<u>INTERCOM</u>
Greg Leo	633-5231/5232	38
Thomas Perrelli	633-5231/2906	36
Marvin T. Ely	633-2535/2536	23
Bonnie Derwinski	633-3196	25
Sam Sinclair	786-4524	27
Fran Mooney	633-2906/2907	29
Leslie Brown	633-2906	43

EXAMINERS

Janet R. Graham	633-3189	41
Bert C. Rizzo	633-2315/3035	26
Ann M. Wigington	633-3042	22
Dennis Keefe	633-2315	
Janice Galloway	633-2315	
Carolyn Lee	633-2315	
Jacqueline Von Shoppe	633-2315	

FUNCTIONAL RESPONSIBILITY:

OFFICE OF CONGRESSIONAL AND PUBLIC AFFAIRS

- CONGRESSIONAL AFFAIRS
- PUBLIC AFFAIRS
- INTERGOVERNMENTAL AFFAIRS

### CONGRESSIONAL AFFAIRS

- o Maintains liaison with oversight Committees in House and Senate
- o Reviews and clears all INS Testimony - - Coordinates all Testimony with DOJ, OMB, etc.
- o Coordinates with Budget office on Authorization and Appropriations
- o Coordinates Refugee Reauthorization
- o Coordinates with DOJ/OMB the requested views and comments of INS on introduced legislation.
- o Coordinates seminars for Congressional staff members
- o Responds to Casework, Interpretive, Procedural and Policy Questions by members of Congress and their staffs
  - - Maintains system of records of Congressional correspondence
  - - 1986 approximately 40,000 phone calls and 6,000 letters
- o Advises Commissioner and Management Team on Congressional Matters

## PUBLIC AFFAIRS

- o Manages INS communications concerning program successes
- o Responds to questions from Media Representatives  
Examples:
  - "Sanctuary" and church sponsored Alien Smuggling Detention
  - Contract Detention Facilities
  - Cuban Excludable removals
  - Afghans in detention
- o In total, we handle about 8,000 phone calls annually from the media
- o Publish INS Daily News Digest Daily
- o Conducts Media Training for INS Officials
- o Speech Writers for Commissioner and Deputy
- o Writing and placing Op/Ed articles
- o Publication of INS Reporter, Commissioner's Communique and Annual Report
- o Advises all public levels of organization concerning image and media relations
- o Clears all statements by INS officials for Administrative Policy

## INTERGOVERNMENTAL AFFAIRS

- o Coordinates requests for information from state and local governments
  - - Maintains liaison with National Governor's Association and National conference of State Legislators, etc.
  - - Coordinates with other Federal agencies through inter-agency working groups



**Immigration Reform in the 99th Congress:**

**PUBLIC 99-603**

# PUBLIC LAW 99-603

## Ninety-ninth Congress of the United States of America

### AT THE SECOND SESSION

*Begun and held at the City of Washington on Tuesday, the twenty-first day of January,  
one thousand nine hundred and eighty-six*

## An Act

To amend the Immigration and Nationality Act to revise and reform the immigration laws, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; REFERENCES IN ACT.

(a) SHORT TITLE.—This Act may be cited as the "Immigration Reform and Control Act of 1986".

(b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided in this Act, whenever in this Act an amendment or repeal is expressed as an amendment to, or repeal of, a provision, the reference shall be deemed to be made to the Immigration and Nationality Act.

### TABLE OF CONTENTS

Sec. 1. Short title; references in Act.

### TITLE I—CONTROL OF ILLEGAL IMMIGRATION

#### PART A—EMPLOYMENT

- Sec. 101. Control of unlawful employment of aliens.
- Sec. 102. Unfair immigration-related employment practices.
- Sec. 103. Fraud and misuse of certain immigration-related documents.

#### PART B—IMPROVEMENT OF ENFORCEMENT AND SERVICES

- Sec. 111. Authorization of appropriations for enforcement and service activities of the Immigration and Naturalization Service.
- Sec. 112. Unlawful transportation of aliens to the United States.
- Sec. 113. Immigration emergency fund.
- Sec. 114. Liability of owners and operators of international bridges and toll roads to prevent the unauthorized landing of aliens.
- Sec. 115. Enforcement of the immigration laws of the United States.
- Sec. 116. Restricting warrantless entry in the case of outdoor agricultural operations.
- Sec. 117. Restrictions on adjustment of status.

#### PART C—VERIFICATION OF STATUS UNDER CERTAIN PROGRAMS

- Sec. 121. Verification of immigration status of aliens applying for benefits under certain programs.

### TITLE II—LEGALIZATION

- Sec. 201. Legalization of status.
- Sec. 202. Cuban-Haitian adjustment.
- Sec. 203. Updating registry date to January 1, 1972.
- Sec. 204. State legalization impact-assistance grants.

### TITLE III—REFORM OF LEGAL IMMIGRATION

#### PART A—TEMPORARY AGRICULTURAL WORKERS

- Sec. 301. H-2A agricultural workers.
- Sec. 302. Permanent residence for certain special agricultural workers.
- Sec. 303. Determinations of agricultural labor shortages and admission of additional special agricultural workers.
- Sec. 304. Commission on Agricultural Workers.

Sec. 305. Eligibility of H-2 agricultural workers for certain legal assistance.

PART B—OTHER CHANGES IN THE IMMIGRATION LAW

Sec. 311. Change in colonial quota.

Sec. 312. G-IV special immigrants.

Sec. 313. Visa waiver pilot program for certain visitors.

Sec. 314. Making visas available for nonpreference immigrants.

Sec. 315. Miscellaneous provisions.

TITLE IV—REPORTS TO CONGRESS

Sec. 401. Triennial comprehensive report on immigration.

Sec. 402. Reports on unauthorized alien employment.

Sec. 403. Reports on H-2A program.

Sec. 404. Reports on legalization program.

Sec. 405. Report on visa waiver pilot program.

Sec. 406. Report on Immigration and Naturalization Service.

Sec. 407. Sense of the Congress.

TITLE V—STATE ASSISTANCE FOR INCARCERATION COSTS OF ILLEGAL ALIENS AND CERTAIN CUBAN NATIONALS

Sec. 501. Reimbursement of States for costs of incarcerating illegal aliens and certain Cuban nationals.

TITLE VI—COMMISSION FOR THE STUDY OF INTERNATIONAL MIGRATION AND COOPERATIVE ECONOMIC DEVELOPMENT

Sec. 601. Commission for the Study of International Migration and Cooperative Economic Development.

TITLE VII—FEDERAL RESPONSIBILITY FOR DEPORTABLE AND EXCLUDABLE ALIENS CONVICTED OF CRIMES

Sec. 701. Expeditious deportation of convicted aliens.

Sec. 702. Identification of facilities to incarcerate deportable or excludable aliens.

TITLE I—CONTROL OF ILLEGAL IMMIGRATION

PART A—EMPLOYMENT

SEC. 101. CONTROL OF UNLAWFUL EMPLOYMENT OF ALIENS.

(a) IN GENERAL.—

(1) NEW PROVISION.—Chapter 8 of title II is amended by inserting after section 274 (8 U.S.C. 1324) the following new section:

“UNLAWFUL EMPLOYMENT OF ALIENS

“SEC. 274A. (a) MAKING EMPLOYMENT OF UNAUTHORIZED ALIENS UNLAWFUL.—

“(1) IN GENERAL.—It is unlawful for a person or other entity to hire, or to recruit or refer for a fee, for employment in the United States—

“(A) an alien knowing the alien is an unauthorized alien (as defined in subsection (h)(3)) with respect to such employment, or

“(B) an individual without complying with the requirements of subsection (b).

“(2) CONTINUING EMPLOYMENT.—It is unlawful for a person or other entity, after hiring an alien for employment in accordance with paragraph (1), to continue to employ the alien in the United States knowing the alien is (or has become) an unauthorized alien with respect to such employment.

“(3) DEFENSE.—A person or entity that establishes that it has complied in good faith with the requirements of subsection (b)

with respect to the hiring, recruiting, or referral for employment of an alien in the United States has established an affirmative defense that the person or entity has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

"(4) USE OF LABOR THROUGH CONTRACT.—For purposes of this section, a person or other entity who uses a contract, sub-contract, or exchange, entered into, renegotiated, or extended after the date of the enactment of this section, to obtain the labor of an alien in the United States knowing that the alien is an unauthorized alien (as defined in subsection (h)(3)) with respect to performing such labor, shall be considered to have hired the alien for employment in the United States in violation of paragraph (1)(A).

"(5) USE OF STATE EMPLOYMENT AGENCY DOCUMENTATION.—For purposes of paragraphs (1)(B) and (3), a person or entity shall be deemed to have complied with the requirements of subsection (b) with respect to the hiring of an individual who was referred for such employment by a State employment agency (as defined by the Attorney General), if the person or entity has and retains (for the period and in the manner described in subsection (b)(3)) appropriate documentation of such referral by that agency, which documentation certifies that the agency has complied with the procedures specified in subsection (b) with respect to the individual's referral.

"(b) EMPLOYMENT VERIFICATION SYSTEM.—The requirements referred to in paragraphs (1)(B) and (3) of subsection (a) are, in the case of a person or other entity hiring, recruiting, or referring an individual for employment in the United States, the requirements specified in the following three paragraphs:

"(1) ATTESTATION AFTER EXAMINATION OF DOCUMENTATION.—

"(A) IN GENERAL.—The person or entity must attest, under penalty of perjury and on a form designated or established by the Attorney General by regulation, that it has verified that the individual is not an unauthorized alien by examining—

"(i) a document described in subparagraph (B), or

"(ii) a document described in subparagraph (C) and a document described in subparagraph (D).

A person or entity has complied with the requirement of this paragraph with respect to examination of a document if the document reasonably appears on its face to be genuine. If an individual provides a document or combination of documents that reasonably appears on its face to be genuine and that is sufficient to meet the requirements of such sentence, nothing in this paragraph shall be construed as requiring the person or entity to solicit the production of any other document or as requiring the individual to produce such a document.

"(B) DOCUMENTS ESTABLISHING BOTH EMPLOYMENT AUTHORIZATION AND IDENTITY.—A document described in this subparagraph is an individual's—

"(i) United States passport;

"(ii) certificate of United States citizenship;

"(iii) certificate of naturalization;

"(iv) unexpired foreign passport, if the passport has an appropriate, unexpired endorsement of the Attorney

General authorizing the individual's employment in the United States; or

"(v) resident alien card or other alien registration card, if the card—

"(I) contains a photograph of the individual or such other personal identifying information relating to the individual as the Attorney General finds, by regulation, sufficient for purposes of this subsection, and

"(II) is evidence of authorization of employment in the United States.

"(C) DOCUMENTS EVIDENCING EMPLOYMENT AUTHORIZATION.—A document described in this subparagraph is an individual's—

"(i) social security account number card (other than such a card which specifies on the face that the issuance of the card does not authorize employment in the United States);

"(ii) certificate of birth in the United States or establishing United States nationality at birth, which certificate the Attorney General finds, by regulation, to be acceptable for purposes of this section; or

"(iii) other documentation evidencing authorization of employment in the United States which the Attorney General finds, by regulation, to be acceptable for purposes of this section.

"(D) DOCUMENTS ESTABLISHING IDENTITY OF INDIVIDUAL.—A document described in this subparagraph is an individual's—

"(i) driver's license or similar document issued for the purpose of identification by a State, if it contains a photograph of the individual or such other personal identifying information relating to the individual as the Attorney General finds, by regulation, sufficient for purposes of this section; or

"(ii) in the case of individuals under 16 years of age or in a State which does not provide for issuance of an identification document (other than a driver's license) referred to in clause (i), documentation of personal identity of such other type as the Attorney General finds, by regulation, provides a reliable means of identification.

"(2) INDIVIDUAL ATTESTATION OF EMPLOYMENT AUTHORIZATION.—The individual must attest, under penalty of perjury on the form designated or established for purposes of paragraph (1), that the individual is a citizen or national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Attorney General to be hired, recruited, or referred for such employment.

"(3) RETENTION OF VERIFICATION FORM.—After completion of such form in accordance with paragraphs (1) and (2), the person or entity must retain the form and make it available for inspection by officers of the Service or the Department of Labor during a period beginning on the date of the hiring, recruiting, or referral of the individual and ending—

"(A) in the case of the recruiting or referral for a fee (without hiring) of an individual, three years after the date of the recruiting or referral, and

"(B) in the case of the hiring of an individual—

"(i) three years after the date of such hiring, or

"(ii) one year after the date the individual's employment is terminated,

whichever is later.

"(4) COPYING OF DOCUMENTATION PERMITTED.—Notwithstanding any other provision of law, the person or entity may copy a document presented by an individual pursuant to this subsection and may retain the copy, but only (except as otherwise permitted under law) for the purpose of complying with the requirements of this subsection.

"(5) LIMITATION ON USE OF ATTESTATION FORM.—A form designated or established by the Attorney General under this subsection and any information contained in or appended to such form, may not be used for purposes other than for enforcement of this Act and sections 1001, 1028, 1546, and 1621 of title 18, United States Code.

"(c) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card.

"(d) EVALUATION AND CHANGES IN EMPLOYMENT VERIFICATION SYSTEM.—

"(1) PRESIDENTIAL MONITORING AND IMPROVEMENTS IN SYSTEM.—

"(A) MONITORING.—The President shall provide for the monitoring and evaluation of the degree to which the employment verification system established under subsection (b) provides a secure system to determine employment eligibility in the United States and shall examine the suitability of existing Federal and State identification systems for use for this purpose.

"(B) IMPROVEMENTS TO ESTABLISH SECURE SYSTEM.—To the extent that the system established under subsection (b) is found not to be a secure system to determine employment eligibility in the United States, the President shall, subject to paragraph (3) and taking into account the results of any demonstration projects conducted under paragraph (4), implement such changes in (including additions to) the requirements of subsection (b) as may be necessary to establish a secure system to determine employment eligibility in the United States. Such changes in the system may be implemented only if the changes conform to the requirements of paragraph (2).

"(2) RESTRICTIONS ON CHANGES IN SYSTEM.—Any change the President proposes to implement under paragraph (1) in the verification system must be designed in a manner so the verification system, as so changed, meets the following requirements:

"(A) RELIABLE DETERMINATION OF IDENTITY.—The system must be capable of reliably determining whether—

"(i) a person with the identity claimed by an employee or prospective employee is eligible to work, and

"(ii) the employee or prospective employee is claiming the identity of another individual.

"(B) USING OF COUNTERFEIT-RESISTANT DOCUMENTS.—If the system requires that a document be presented to or examined by an employer, the document must be in a form which is resistant to counterfeiting and tampering.

"(C) LIMITED USE OF SYSTEM.—Any personal information utilized by the system may not be made available to Government agencies, employers, and other persons except to the extent necessary to verify that an individual is not an unauthorized alien.

"(D) PRIVACY OF INFORMATION.—The system must protect the privacy and security of personal information and identifiers utilized in the system.

"(E) LIMITED DENIAL OF VERIFICATION.—A verification that an employee or prospective employee is eligible to be employed in the United States may not be withheld or revoked under the system for any reason other than that the employee or prospective employee is an unauthorized alien.

"(F) LIMITED USE FOR LAW ENFORCEMENT PURPOSES.—The system may not be used for law enforcement purposes, other than for enforcement of this Act or sections 1001, 1028, 1546, and 1621 of title 18, United States Code.

"(G) RESTRICTION ON USE OF NEW DOCUMENTS.—If the system requires individuals to present a new card or other document (designed specifically for use for this purpose) at the time of hiring, recruitment, or referral, then such document may not be required to be presented for any purpose other than under this Act (or enforcement of sections 1001, 1028, 1546, and 1621 of title 18, United States Code) nor to be carried on one's person.

"(3) NOTICE TO CONGRESS BEFORE IMPLEMENTING CHANGES.—

"(A) IN GENERAL.—The President may not implement any change under paragraph (1) unless at least—

"(i) 60 days,

"(ii) one year, in the case of a major change described in subparagraph (D)(iii), or

"(iii) two years, in the case of a major change described in clause (i) or (ii) of subparagraph (D), before the date of implementation of the change, the President has prepared and transmitted to the Committee on the Judiciary of the House of Representatives and to the Committee on the Judiciary of the Senate a written report setting forth the proposed change. If the President proposes to make any change regarding social security account number cards, the President shall transmit to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate a written report setting forth the proposed change. The President promptly shall cause to have printed in the Federal Register the substance of any major change (described in subparagraph (D)) proposed and reported to Congress.

"(B) CONTENTS OF REPORT.—In any report under subparagraph (A) the President shall include recommendations for the establishment of civil and criminal sanctions for un-

authorized use or disclosure of the information or identifiers contained in such system.

“(C) CONGRESSIONAL REVIEW OF MAJOR CHANGES.—

“(i) HEARINGS AND REVIEW.—The Committees on the Judiciary of the House of Representatives and of the Senate shall cause to have printed in the Congressional Record the substance of any major change described in subparagraph (D), shall hold hearings respecting the feasibility and desirability of implementing such a change, and, within the two year period before implementation, shall report to their respective Houses findings on whether or not such a change should be implemented.

“(ii) CONGRESSIONAL ACTION.—No major change may be implemented unless the Congress specifically provides, in an appropriations or other Act, for funds for implementation of the change.

“(D) MAJOR CHANGES REQUIRING TWO YEARS NOTICE AND CONGRESSIONAL REVIEW.—As used in this paragraph, the term ‘major change’ means a change which would—

“(i) require an individual to present a new card or other document (designed specifically for use for this purpose) at the time of hiring, recruitment, or referral,

“(ii) provide for a telephone verification system under which an employer, recruiter, or referrer must transmit to a Federal official information concerning the immigration status of prospective employees and the official transmits to the person, and the person must record, a verification code, or

“(iii) require any change in any card used for accounting purposes under the Social Security Act, including any change requiring that the only social security account number cards which may be presented in order to comply with subsection (b)(1)(C)(i) are such cards as are in a counterfeit-resistant form consistent with the second sentence of section 205(c)(2)(D) of the Social Security Act.

“(E) GENERAL REVENUE FUNDING OF SOCIAL SECURITY CARD CHANGES.—Any costs incurred in developing and implementing any change described in subparagraph (D)(iii) for purposes of this subsection shall not be paid for out of any trust fund established under the Social Security Act.

“(4) DEMONSTRATION PROJECTS.—

“(A) AUTHORITY.—The President may undertake demonstration projects (consistent with paragraph (2)) of different changes in the requirements of subsection (b). No such project may extend over a period of longer than three years.

“(B) REPORTS ON PROJECTS.—The President shall report to the Congress on the results of demonstration projects conducted under this paragraph.

“(e) COMPLIANCE.—

“(1) COMPLAINTS AND INVESTIGATIONS.—The Attorney General shall establish procedures—

“(A) for individuals and entities to file written, signed complaints respecting potential violations of subsection (a),

"(B) for the investigation of those complaints which, on their face, have a substantial probability of validity,

"(C) for the investigation of such other violations of subsection (a) as the Attorney General determines to be appropriate, and

"(D) for the designation in the Service of a unit which has, as its primary duty, the prosecution of cases of violations of subsection (a) under this subsection.

"(2) **AUTHORITY IN INVESTIGATIONS.**—In conducting investigations and hearings under this subsection—

"(A) immigration officers and administrative law judges shall have reasonable access to examine evidence of any person or entity being investigated, and

"(B) administrative law judges may, if necessary, compel by subpoena the attendance of witnesses and the production of evidence at any designated place or hearing.

In case of contumacy or refusal to obey a subpoena lawfully issued under this paragraph and upon application of the Attorney General, an appropriate district court of the United States may issue an order requiring compliance with such subpoena and any failure to obey such order may be punished by such court as a contempt thereof.

"(3) **HEARING.**—

"(A) **IN GENERAL.**—Before imposing an order described in paragraph (4) or (5) against a person or entity under this subsection for a violation of subsection (a), the Attorney General shall provide the person or entity with notice and, upon request made within a reasonable time (of not less than 30 days, as established by the Attorney General) of the date of the notice, a hearing respecting the violation.

"(B) **CONDUCT OF HEARING.**—Any hearing so requested shall be conducted before an administrative law judge. The hearing shall be conducted in accordance with the requirements of section 554 of title 5, United States Code. The hearing shall be held at the nearest practicable place to the place where the person or entity resides or of the place where the alleged violation occurred. If no hearing is so requested, the Attorney General's imposition of the order shall constitute a final and unappealable order.

"(C) **ISSUANCE OF ORDERS.**—If the administrative law judge determines, upon the preponderance of the evidence received, that a person or entity named in the complaint has violated subsection (a), the administrative law judge shall state his findings of fact and issue and cause to be served on such person or entity an order described in paragraph (4) or (5).

"(4) **CEASE AND DESIST ORDER WITH CIVIL MONEY PENALTY FOR HIRING, RECRUITING, AND REFERRAL VIOLATIONS.**—With respect to a violation of subsection (a)(1)(A) or (a)(2), the order under this subsection—

"(A) shall require the person or entity to cease and desist from such violations and to pay a civil penalty in an amount of—

"(i) not less than \$250 and not more than \$2,000 for each unauthorized alien with respect to whom a violation of either such subsection occurred,

"(ii) not less than \$2,000 and not more than \$5,000 for each such alien in the case of a person or entity previously subject to one order under this subparagraph, or

"(iii) not less than \$3,000 and not more than \$10,000 for each such alien in the case of a person or entity previously subject to more than one order under this subparagraph; and

"(B) may require the person or entity—

"(i) to comply with the requirements of subsection (b) (or subsection (d) if applicable) with respect to individuals hired (or recruited or referred for employment for a fee) during a period of up to three years, and

"(ii) to take such other remedial action as is appropriate.

In applying this subsection in the case of a person or entity composed of distinct, physically separate subdivisions each of which provides separately for the hiring, recruiting, or referring for employment, without reference to the practices of, and not under the control of or common control with, another subdivision, each such subdivision shall be considered a separate person or entity.

"(5) ORDER FOR CIVIL MONEY PENALTY FOR PAPERWORK VIOLATIONS.—With respect to a violation of subsection (a)(1)(B), the order under this subsection shall require the person or entity to pay a civil penalty in an amount of not less than \$100 and not more than \$1,000 for each individual with respect to whom such violation occurred. In determining the amount of the penalty, due consideration shall be given to the size of the business of the employer being charged, the good faith of the employer, the seriousness of the violation, whether or not the individual was an unauthorized alien, and the history of previous violations.

"(6) ADMINISTRATIVE APPELLATE REVIEW.—The decision and order of an administrative law judge shall become the final agency decision and order of the Attorney General unless, within 30 days, the Attorney General modifies or vacates the decision and order, in which case the decision and order of the Attorney General shall become a final order under this subsection. The Attorney General may not delegate the Attorney General's authority under this paragraph to any entity which has review authority over immigration-related matters.

"(7) JUDICIAL REVIEW.—A person or entity adversely affected by a final order respecting an assessment may, within 45 days after the date the final order is issued, file a petition in the Court of Appeals for the appropriate circuit for review of the order.

"(8) ENFORCEMENT OF ORDERS.—If a person or entity fails to comply with a final order issued under this subsection against the person or entity, the Attorney General shall file a suit to seek compliance with the order in any appropriate district court of the United States. In any such suit, the validity and appropriateness of the final order shall not be subject to review.

"(f) CRIMINAL PENALTIES AND INJUNCTIONS FOR PATTERN OR PRACTICE VIOLATIONS.—

"(1) CRIMINAL PENALTY.—Any person or entity which engages in a pattern or practice of violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than \$3,000 for each unauthorized

alien with respect to whom such a violation occurs, imprisoned for not more than six months for the entire pattern or practice, or both, notwithstanding the provisions of any other Federal law relating to fine levels.

"(2) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—Whenever the Attorney General has reasonable cause to believe that a person or entity is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order against the person or entity, as the Attorney General deems necessary.

"(g) PROHIBITION OF INDEMNITY BONDS.—

"(1) PROHIBITION.—It is unlawful for a person or other entity, in the hiring, recruiting, or referring for employment of any individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

"(2) CIVIL PENALTY.—Any person or entity which is determined, after notice and opportunity for an administrative hearing, to have violated paragraph (1) shall be subject to a civil penalty of \$1,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the general fund of the Treasury.

"(h) MISCELLANEOUS PROVISIONS.—

"(1) DOCUMENTATION.—In providing documentation or endorsement of authorization of aliens (other than aliens lawfully admitted for permanent residence) authorized to be employed in the United States, the Attorney General shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement.

"(2) PREEMPTION.—The provisions of this section preempt any State or local law imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens.

"(3) DEFINITION OF UNAUTHORIZED ALIEN.—As used in this section, the term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either (A) an alien lawfully admitted for permanent residence, or (B) authorized to be so employed by this Act or by the Attorney General.

"(i) EFFECTIVE DATES.—

"(1) 6-MONTH PUBLIC INFORMATION PERIOD.—During the six-month period beginning on the first day of the first month after the date of the enactment of this section—

"(A) the Attorney General, in cooperation with the Secretaries of Agriculture, Commerce, Health and Human Services, Labor, and the Treasury and the Administrator of the Small Business Administration, shall disseminate forms and information to employers, employment agencies, and organizations representing employees and provide for

public education respecting the requirements of this section, and

"(B) the Attorney General shall not conduct any proceeding, nor issue any order, under this section on the basis of any violation alleged to have occurred during the period.

"(2) 12-MONTH FIRST CITATION PERIOD.—In the case of a person or entity, in the first instance in which the Attorney General has reason to believe that the person or entity may have violated subsection (a) during the subsequent 12-month period, the Attorney General shall provide a citation to the person or entity indicating that such a violation or violations may have occurred and shall not conduct any proceeding, nor issue any order, under this section on the basis of such alleged violation or violations.

"(3) DEFERRAL OF ENFORCEMENT WITH RESPECT TO SEASONAL AGRICULTURAL SERVICES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), before the end of the application period (as defined in subparagraph (C)(i)), the Attorney General shall not conduct any proceeding, nor impose any penalty, under this section on the basis of any violation alleged to have occurred with respect to employment of an individual in seasonal agricultural services.

"(B) PROHIBITION OF RECRUITMENT OUTSIDE THE UNITED STATES.—

"(i) IN GENERAL.—During the application period, it is unlawful for a person or entity (including a farm labor contractor) or an agent of such a person or entity, to recruit an unauthorized alien (other than an alien described in clause (ii)) who is outside the United States to enter the United States to perform seasonal agricultural services.

"(ii) EXCEPTION.—Clause (i) shall not apply to an alien who the person or entity reasonably believes meets the requirements of section 210(a)(2) of this Act (relating to performance of seasonal agricultural services).

"(iii) PENALTY FOR VIOLATION.—A person, entity, or agent that violates clause (i) shall be deemed to be subject to an order under this section in the same manner as if it had violated paragraph (1)(A), without regard to paragraph (2) of this subsection.

"(C) DEFINITIONS.—In this paragraph:

"(i) APPLICATION PERIOD.—The term 'application period' means the period described in section 210(a)(1).

"(ii) SEASONAL AGRICULTURAL SERVICES.—The term 'seasonal agricultural services' has the meaning given such term in section 210(h).

"(j) GENERAL ACCOUNTING OFFICE REPORTS.—

"(1) IN GENERAL.—Beginning one year after the date of enactment of this Act, and at intervals of one year thereafter for a period of three years after such date, the Comptroller General of the United States shall prepare and transmit to the Congress and to the taskforce established under subsection (k) a report describing the results of a review of the implementation and enforcement of this section during the preceding twelve-month period, for the purpose of determining if—

- "(A) such provisions have been carried out satisfactorily;
- "(B) a pattern of discrimination has resulted against citizens or nationals of the United States or against eligible workers seeking employment; and
- "(C) an unnecessary regulatory burden has been created for employers hiring such workers.

"(2) DETERMINATION ON DISCRIMINATION.—In each report, the Comptroller General shall make a specific determination as to whether the implementation of that section has resulted in a pattern of discrimination in employment (against other than unauthorized aliens) on the basis of national origin.

"(3) RECOMMENDATIONS.—If the Comptroller General has determined that such a pattern of discrimination has resulted, the report—

"(A) shall include a description of the scope of that discrimination, and

"(B) may include recommendations for such legislation as may be appropriate to deter or remedy such discrimination.

"(k) REVIEW BY TASKFORCE.—

"(1) ESTABLISHMENT OF JOINT TASKFORCE.—The Attorney General, jointly with the Chairman of the Commission on Civil Rights and the Chairman of the Equal Employment Opportunity Commission, shall establish a taskforce to review each report of the Comptroller General transmitted under subsection (j)(1).

"(2) RECOMMENDATIONS TO CONGRESS.—If the report transmitted includes a determination that the implementation of this section has resulted in a pattern of discrimination in employment (against other than unauthorized aliens) on the basis of national origin, the taskforce shall, taking into consideration any recommendations in the report, report to Congress recommendations for such legislation as may be appropriate to deter or remedy such discrimination.

"(3) CONGRESSIONAL HEARINGS.—The Committees on the Judiciary of the House of Representatives and of the Senate shall hold hearings respecting any report of the taskforce under paragraph (2) within 60 days after the date of receipt of the report.

"(l) TERMINATION DATE FOR EMPLOYER SANCTIONS.—

"(1) IF REPORT OF WIDESPREAD DISCRIMINATION AND CONGRESSIONAL APPROVAL.—The provisions of this section shall terminate 30 calendar days after receipt of the last report required to be transmitted under subsection (j), if—

"(A) the Comptroller General determines, and so reports in such report, that a widespread pattern of discrimination has resulted against citizens or nationals of the United States or against eligible workers seeking employment solely from the implementation of this section; and

"(B) there is enacted, within such period of 30 calendar days, a joint resolution stating in substance that the Congress approves the findings of the Comptroller General contained in such report.

"(2) SENATE PROCEDURES FOR CONSIDERATION.—Any joint resolution referred to in clause (B) of paragraph (1) shall be considered in the Senate in accordance with subsection (n).

"(m) EXPEDITED PROCEDURES IN THE HOUSE OF REPRESENTATIVES.—For the purpose of expediting the consideration and adoption of joint

resolutions under subsection (1), a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

“(n) EXPEDITED PROCEDURES IN THE SENATE.—

“(1) CONTINUITY OF SESSION.—For purposes of subsection (1), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the period indicated.

“(2) RULEMAKING POWER.—Paragraphs (3) and (4) of this subsection are enacted—

“(A) as an exercise of the rulemaking power of the Senate and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of joint resolutions referred to in subsection (1), and supersede other rules of the Senate only to the extent that such paragraphs are inconsistent therewith; and

“(B) with full recognition of the constitutional right of the Senate to change such rules at any time, in the same manner as in the case of any other rule of the Senate.

“(3) COMMITTEE CONSIDERATION.—

“(A) MOTION TO DISCHARGE.—If the committee of the Senate to which has been referred a joint resolution relating to the report described in subsection (1) has not reported such joint resolution at the end of ten calendar days after its introduction, not counting any day which is excluded under paragraph (1) of this subsection, it is in order to move either to discharge the committee from further consideration of the joint resolution or to discharge the committee from further consideration of any other joint resolution introduced with respect to the same report which has been referred to the committee, except that no motion to discharge shall be in order after the committee has reported a joint resolution with respect to the same report.

“(B) CONSIDERATION OF MOTION.—A motion to discharge under subparagraph (A) of this paragraph may be made only by a Senator favoring the joint resolution, is privileged, and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the joint resolution, the time to be divided equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

“(4) MOTION TO PROCEED TO CONSIDERATION.—

“(A) IN GENERAL.—A motion in the Senate to proceed to the consideration of a joint resolution shall be privileged. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

“(B) DEBATE ON RESOLUTION.—Debate in the Senate on a joint resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10

hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(C) DEBATE ON MOTION.—Debate in the Senate on any debatable motion or appeal in connection with a joint resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the joint resolution, except that in the event the manager of the joint resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a joint resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(D) MOTIONS TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a joint resolution, debatable motion, or appeal is not debatable. No amendment to, or motion to recommit, a joint resolution is in order in the Senate."

(2) INTERIM REGULATIONS.—The Attorney General shall, not later than the first day of the seventh month beginning after the date of the enactment of this Act, first issue, on an interim or other basis, such regulations as may be necessary in order to implement this section.

(3) GRANDFATHER FOR CURRENT EMPLOYEES.—(A) Section 274A(a)(1) of the Immigration and Nationality Act shall not apply to the hiring, or recruiting or referring of an individual for employment which has occurred before the date of the enactment of this Act.

(B) Section 274A(a)(2) of the Immigration and Nationality Act shall not apply to continuing employment of an alien who was hired before the date of the enactment of this Act.

(b) CONFORMING AMENDMENTS TO MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT.—(1) The Migrant and Seasonal Agricultural Worker Protection Act (Public Law 97-470) is amended—

(A) by striking out "101(a)(15)(H)(ii)" in paragraphs (8)(B) and (10)(B) of section 3 (29 U.S.C. 1802) and inserting in lieu thereof "101(a)(15)(H)(ii)(a)";

(B) in section 103(a) (29 U.S.C. 1813(a))—

(i) by striking out "or" at the end of paragraph (4),

(ii) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; or", and

(iii) by adding at the end the following new paragraph: "(6) has been found to have violated paragraph (1) or (2) of section 274A(a) of the Immigration and Nationality Act.";

(C) by striking out section 106 (29 U.S.C. 1816) and the corresponding item in the table of contents; and

(D) by striking out "section 106" in section 501(b) (29 U.S.C. 1851(b)) and by inserting in lieu thereof "paragraph (1) or (2) of section 274A(a) of the Immigration and Nationality Act".

(2) The amendments made by paragraph (1) shall apply to the employment, recruitment, referral, or utilization of the services of an individual occurring on or after the first day of the seventh month beginning after the date of the enactment of this Act.

(c) CONFORMING AMENDMENT TO TABLE OF CONTENTS.—The table of contents is amended by inserting after the item relating to section 274 the following new item:

"Sec. 274A. Unlawful employment of aliens."

(d) STUDY ON THE USE OF A TELEPHONE VERIFICATION SYSTEM FOR DETERMINING EMPLOYMENT ELIGIBILITY OF ALIENS.—(1) The Attorney General, in consultation with the Secretary of Labor and the Secretary of Health and Human Services, shall conduct a study for use by the Department of Justice in determining employment eligibility of aliens in the United States. Such study shall concentrate on those data bases that are currently available to the Federal Government which through the use of a telephone and computation capability could be used to verify instantly the employment eligibility status of job applicants who are aliens.

(2) Such study shall be conducted in conjunction with any existing Federal program which is designed for the purpose of providing information on the resident or employment status of aliens for employers. The study shall include an analysis of costs and benefits which shows the differences in costs and efficiency of having the Federal Government or a contractor perform this service. Such comparisons should include reference to such technical capabilities as processing techniques and time, verification techniques and time, backup safeguards, and audit trail performance.

(3) Such study shall also concentrate on methods of phone verification which demonstrate the best safety and service standards, the least burden for the employer, the best capability for effective enforcement, and procedures which are within the boundaries of the Privacy Act of 1974.

(4) Such study shall be conducted within twelve months of the date of enactment of this Act.

(5) The Attorney General shall prepare and transmit to the Congress a report—

(A) not later than six months after the date of enactment of this Act, describing the status of such study; and

(B) not later than twelve months after such date, setting forth the findings of such study.

(e) FEASIBILITY STUDY OF SOCIAL SECURITY NUMBER VALIDATION SYSTEM.—The Secretary of Health and Human Services, acting through the Social Security Administration and in cooperation with the Attorney General and the Secretary of Labor, shall conduct a study of the feasibility and costs of establishing a social security number validation system to assist in carrying out the purposes of section 274A of the Immigration and Nationality Act, and of the privacy concerns that would be raised by the establishment of such a system. The Secretary shall submit to the Committees on Ways and Means and Judiciary of the House of Representatives and to the Committees on Finance and Judiciary of the Senate, within 2 years after the date of the enactment of this Act, a full and complete report on the results of the study together with such recommendations as may be appropriate.

(f) COUNTERFEITING OF SOCIAL SECURITY ACCOUNT NUMBER CARDS.—(1) The Comptroller General of the United States, upon consultation with the Attorney General and the Secretary of Health and Human Services as well as private sector representatives (including representatives of the financial, banking, and manufacturing industries), shall inquire into technological alternatives for

producing and issuing social security account number cards that are more resistant to counterfeiting than social security account number cards being issued on the date of enactment of this Act by the Social Security Administration, including the use of encoded magnetic, optical, or active electronic media such as magnetic stripes, holograms, and integrated circuit chips. Such inquiry should focus on technologies that will help ensure the authenticity of the card, rather than the identity of the bearer.

(2) The Comptroller General of the United States shall explore additional actions that could be taken to reduce the potential for fraudulently obtaining and using social security account number cards.

(3) Not later than one year after the date of enactment of this Act, the Comptroller General of the United States shall prepare and transmit to the Committee on the Judiciary and the Committee on Ways and Means of the House of Representatives and the Committee on the Judiciary and the Committee on Finance of the Senate a report setting forth his findings and recommendations under this subsection.

#### SEC. 102. UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES.

(a) IN GENERAL.—Chapter 8 of title II is further amended by inserting after section 274A, as inserted by section 101(a), the following new section:

##### “UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES

#### “SEC. 274B. (a) PROHIBITION OF DISCRIMINATION BASED ON NATIONAL ORIGIN OR CITIZENSHIP STATUS.—

“(1) GENERAL RULE.—It is an unfair immigration-related employment practice for a person or other entity to discriminate against any individual (other than an unauthorized alien) with respect to the hiring, or recruitment or referral for a fee, of the individual for employment or the discharging of the individual from employment—

“(A) because of such individual's national origin, or

“(B) in the case of a citizen or intending citizen (as defined in paragraph (3)), because of such individual's citizenship status.

“(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

“(A) a person or other entity that employs three or fewer employees,

“(B) a person's or entity's discrimination because of an individual's national origin if the discrimination with respect to that person or entity and that individual is covered under section 703 of the Civil Rights Act of 1964, or

“(C) discrimination because of citizenship status which is otherwise required in order to comply with law, regulation, or executive order, or required by Federal, State, or local government contract, or which the Attorney General determines to be essential for an employer to do business with an agency or department of the Federal, State, or local government.

“(3) DEFINITION OF CITIZEN OR INTENDING CITIZEN.—As used in paragraph (1), the term ‘citizen or intending citizen’ means an individual who—

“(A) is a citizen or national of the United States, or

“(B) is an alien who—

“(i) is lawfully admitted for permanent residence, is granted the status of an alien lawfully admitted for temporary residence under section 245A(a)(1), is admitted as a refugee under section 207, or is granted asylum under section 208, and

“(ii) evidences an intention to become a citizen of the United States through completing a declaration of intention to become a citizen;

but does not include (I) an alien who fails to apply for naturalization within six months of the date the alien first becomes eligible (by virtue of period of lawful permanent residence) to apply for naturalization or, if later, within six months after the date of the enactment of this section and (II) an alien who has applied on a timely basis, but has not been naturalized as a citizen within 2 years after the date of the application, unless the alien can establish that the alien is actively pursuing naturalization, except that time consumed in the Service's processing the application shall not be counted toward the 2-year period.

“(4) ADDITIONAL EXCEPTION PROVIDING RIGHT TO PREFER EQUALLY QUALIFIED CITIZENS.—Notwithstanding any other provision of this section, it is not an unfair immigration-related employment practice for a person or other entity to prefer to hire, recruit, or refer an individual who is a citizen or national of the United States over another individual who is an alien if the two individuals are equally qualified.

“(b) CHARGES OF VIOLATIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), any person alleging that the person is adversely affected directly by an unfair immigration-related employment practice (or a person on that person's behalf) or an officer of the Service alleging that an unfair immigration-related employment practice has occurred or is occurring may file a charge respecting such practice or violation with the Special Counsel (appointed under subsection (c)). Charges shall be in writing under oath or affirmation and shall contain such information as the Attorney General requires. The Special Counsel by certified mail shall serve a notice of the charge (including the date, place, and circumstances of the alleged unfair immigration-related employment practice) on the person or entity involved within 10 days.

“(2) NO OVERLAP WITH EEOC COMPLAINTS.—No charge may be filed respecting an unfair immigration-related employment practice described in subsection (a)(1)(A) if a charge with respect to that practice based on the same set of facts has been filed with the Equal Employment Opportunity Commission under title VII of the Civil Rights Act of 1964, unless the charge is dismissed as being outside the scope of such title. No charge respecting an employment practice may be filed with the Equal Employment Opportunity Commission under such title if a charge with respect to such practice based on the same set of facts has been filed under this subsection, unless the charge is dismissed under this section as being outside the scope of this section.

“(c) SPECIAL COUNSEL.—

“(1) APPOINTMENT.—The President shall appoint, by and with the advice and consent of the Senate, a Special Counsel for

Immigration-Related Unfair Employment Practices (hereinafter in this section referred to as the 'Special Counsel') within the Department of Justice to serve for a term of four years. In the case of a vacancy in the office of the Special Counsel the President may designate the officer or employee who shall act as Special Counsel during such vacancy.

"(2) DUTIES.—The Special Counsel shall be responsible for investigation of charges and issuance of complaints under this section and in respect of the prosecution of all such complaints before administrative law judges and the exercise of certain functions under subsection (j)(1).

"(3) COMPENSATION.—The Special Counsel is entitled to receive compensation at a rate not to exceed the rate now or hereafter provided for grade GS-17 of the General Schedule, under section 5332 of title 5, United States Code.

"(4) REGIONAL OFFICES.—The Special Counsel, in accordance with regulations of the Attorney General, shall establish such regional offices as may be necessary to carry out his duties.

"(d) INVESTIGATION OF CHARGES.—

"(1) BY SPECIAL COUNSEL.—The Special Counsel shall investigate each charge received and, within 120 days of the date of the receipt of the charge, determine whether or not there is reasonable cause to believe that the charge is true and whether or not to bring a complaint with respect to the charge before an administrative law judge. The Special Counsel may, on his own initiative, conduct investigations respecting unfair immigration-related employment practices and, based on such an investigation and subject to paragraph (3), file a complaint before such a judge.

"(2) PRIVATE ACTIONS.—If the Special Counsel, after receiving such a charge respecting an unfair immigration-related employment practice which alleges knowing and intentional discriminatory activity or a pattern or practice of discriminatory activity, has not filed a complaint before an administrative law judge with respect to such charge within such 120-day period, the person making the charge may (subject to paragraph (3)) file a complaint directly before such a judge.

"(3) TIME LIMITATIONS ON COMPLAINTS.—No complaint may be filed respecting any unfair immigration-related employment practice occurring more than 180 days prior to the date of the filing of the charge with the Special Counsel. This subparagraph shall not prevent the subsequent amending of a charge or complaint under subsection (e)(1).

"(e) HEARINGS.—

"(1) NOTICE.—Whenever a complaint is made that a person or entity has engaged in or is engaging in any such unfair immigration-related employment practice, an administrative law judge shall have power to issue and cause to be served upon such person or entity a copy of the complaint and a notice of hearing before the judge at a place therein fixed, not less than five days after the serving of the complaint. Any such complaint may be amended by the judge conducting the hearing, upon the motion of the party filing the complaint, in the judge's discretion at any time prior to the issuance of an order based thereon. The person or entity so complained of shall have the right to file an answer to the original or amended complaint and to appear

in person or otherwise and give testimony at the place and time fixed in the complaint.

"(2) JUDGES HEARING CASES.—Hearings on complaints under this subsection shall be considered before administrative law judges who are specially designated by the Attorney General as having special training respecting employment discrimination and, to the extent practicable, before such judges who only consider cases under this section.

"(3) COMPLAINANT AS PARTY.—Any person filing a charge with the Special Counsel respecting an unfair immigration-related employment practice shall be considered a party to any complaint before an administrative law judge respecting such practice and any subsequent appeal respecting that complaint. In the discretion of the judge conducting the hearing, any other person may be allowed to intervene in the said proceeding and to present testimony.

"(f) TESTIMONY AND AUTHORITY OF HEARING OFFICERS.—

"(1) TESTIMONY.—The testimony taken by the administrative law judge shall be reduced to writing. Thereafter, the judge, in his discretion, upon notice may provide for the taking of further testimony or hear argument.

"(2) AUTHORITY OF ADMINISTRATIVE LAW JUDGES.—In conducting investigations and hearings under this subsection and in accordance with regulations of the Attorney General, the Special Counsel and administrative law judges shall have reasonable access to examine evidence of any person or entity being investigated. The administrative law judges by subpoena may compel the attendance of witnesses and the production of evidence at any designated place or hearing. In case of contumacy or refusal to obey a subpoena lawfully issued under this paragraph and upon application of the administrative law judge, an appropriate district court of the United States may issue an order requiring compliance with such subpoena and any failure to obey such order may be punished by such court as a contempt thereof.

"(g) DETERMINATIONS.—

"(1) ORDER.—The administrative law judge shall issue and cause to be served on the parties to the proceeding an order, which shall be final unless appealed as provided under subsection (i).

"(2) ORDERS FINDING VIOLATIONS.—

"(A) IN GENERAL.—If, upon the preponderance of the evidence, an administrative law judge determines that that any person or entity named in the complaint has engaged in or is engaging in any such unfair immigration-related employment practice, then the judge shall state his findings of fact and shall issue and cause to be served on such person or entity an order which requires such person or entity to cease and desist from such unfair immigration-related employment practice.

"(B) CONTENTS OF ORDER.—Such an order also may require the person or entity—

"(i) to comply with the requirements of section 274A(b) with respect to individuals hired (or recruited or referred for employment for a fee) during a period of up to three years;

"(ii) to retain for the period referred to in clause (i) and only for purposes consistent with section 274(b)(5), the name and address of each individual who applies, in person or in writing, for hiring for an existing position, or for recruiting or referring for a fee, for employment in the United States;

"(iii) to hire individuals directly and adversely affected, with or without back pay; and

"(iv)(I) except as provided in subclause (II), to pay a civil penalty of not more than \$1,000 for each individual discriminated against, and

"(II) in the case of a person or entity previously subject to such an order, to pay a civil penalty of not more than \$2,000 for each individual discriminated against.

"(C) LIMITATION ON BACK PAY REMEDY.—In providing a remedy under subparagraph (B)(iii), back pay liability shall not accrue from a date more than two years prior to the date of the filing of a charge with an administrative law judge. Interim earnings or amounts earnable with reasonable diligence by the individual or individuals discriminated against shall operate to reduce the back pay otherwise allowable under such subparagraph. No order shall require the hiring of an individual as an employee or the payment to an individual of any back pay, if the individual was refused employment for any reason other than discrimination on account of national origin or citizenship status.

"(D) TREATMENT OF DISTINCT ENTITIES.—In applying this subsection in the case of a person or entity composed of distinct, physically separate subdivisions each of which provides separately for the hiring, recruiting, or referring for employment, without reference to the practices of, and not under the control of or common control with, another subdivision, each such subdivision shall be considered a separate person or entity.

"(3) ORDERS NOT FINDING VIOLATIONS.—If upon the preponderance of the evidence an administrative law judge determines that the person or entity named in the complaint has not engaged or is not engaging in any such unfair immigration-related employment practice, then the judge shall state his findings of fact and shall issue an order dismissing the complaint.

"(h) AWARDING OF ATTORNEYS' FEES.—In any complaint respecting an unfair immigration-related employment practice, an administrative law judge, in the judge's discretion, may allow a prevailing party, other than the United States, a reasonable attorney's fee, if the losing party's argument is without reasonable foundation in law and fact.

"(i) REVIEW OF FINAL ORDERS.—

"(1) IN GENERAL.—Not later than 60 days after the entry of such final order, any person aggrieved by such final order may seek a review of such order in the United States court of appeals for the circuit in which the violation is alleged to have occurred or in which the employer resides or transacts business.

"(2) FURTHER REVIEW.—Upon the filing of the record with the court, the jurisdiction of the court shall be exclusive and its

judgment shall be final, except that the same shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

“(j) COURT ENFORCEMENT OF ADMINISTRATIVE ORDERS.—

“(1) IN GENERAL.—If an order of the agency is not appealed under subsection (i)(1), the Special Counsel (or, if the Special Counsel fails to act, the person filing the charge) may petition the United States district court for the district in which a violation of the order is alleged to have occurred, or in which the respondent resides or transacts business, for the enforcement of the order of the administrative law judge, by filing in such court a written petition praying that such order be enforced.

“(2) COURT ENFORCEMENT ORDER.—Upon the filing of such petition, the court shall have jurisdiction to make and enter a decree enforcing the order of the administrative law judge. In such a proceeding, the order of the administrative law judge shall not be subject to review.

“(3) ENFORCEMENT DECREE IN ORIGINAL REVIEW.—If, upon appeal of an order under subsection (i)(1), the United States court of appeals does not reverse such order, such court shall have the jurisdiction to make and enter a decree enforcing the order of the administrative law judge.

“(4) AWARDING OF ATTORNEY'S FEES.—In any judicial proceeding under subsection (i) or this subsection, the court, in its discretion, may allow a prevailing party, other than the United States, a reasonable attorney's fee as part of costs but only if the losing party's argument is without reasonable foundation in law and fact.

“(k) TERMINATION DATES.—

“(1) This section shall not apply to discrimination in hiring, recruiting, referring, or discharging of individuals occurring after the date of any termination of the provisions of section 274A, under subsection (l) of that section.

“(2) The provisions of this section shall terminate 30 calendar days after receipt of the last report required to be transmitted under section 274A(j) if—

“(A) the Comptroller General determines, and so reports in such report that—

“(i) no significant discrimination has resulted, against citizens or nationals of the United States or against any eligible workers seeking employment, from the implementation of section 274A, or

“(ii) such section has created an unreasonable burden on employers hiring such workers; and

“(B) there has been enacted, within such period of 30 calendar days, a joint resolution stating in substance that the Congress approves the findings of the Comptroller General contained in such report.

The provisions of subsections (m) and (n) of section 274A shall apply to any joint resolution under subparagraph (B) in the same manner as they apply to a joint resolution under subsection (l) of such section.”

(b) NO EFFECT ON EEOC AUTHORITY.—Except as may be specifically provided in this section, nothing in this section shall be construed to restrict the authority of the Equal Employment Opportunity Commission to investigate allegations, in writing and under oath or affirmation, of unlawful employment practices, as provided in section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5), or any other authority provided therein.

(c) **CLERICAL AMENDMENT.**—The table of contents is amended by inserting after the item relating to section 274A (as added by section 101(c)) the following new item:

"Sec. 274B. Unfair immigration-related employment practices."

**SEC. 103. FRAUD AND MISUSE OF CERTAIN IMMIGRATION-RELATED DOCUMENTS.**

(a) **APPLICATION TO ADDITIONAL DOCUMENTS.**—Section 1546 of title 18, United States Code, is amended—

(1) by amending the heading to read as follows:

**"§ 1546. Fraud and misuse of visas, permits, and other documents";**

(2) by striking out "or other document required for entry into the United States" in the first paragraph and inserting in lieu thereof "border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States";

(3) by striking out "or document" in the first paragraph and inserting in lieu thereof "border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States";

(4) by striking out "\$2,000" and inserting in lieu thereof "in accordance with this title";

(5) by inserting "(a)" before "Whoever" the first place it appears; and

(6) by adding at the end the following new subsections:

"(b) Whoever uses—

"(1) an identification document, knowing (or having reason to know) that the document was not issued lawfully for the use of the possessor,

"(2) an identification document knowing (or having reason to know) that the document is false, or

"(3) a false attestation,

for the purpose of satisfying a requirement of section 274A(b) of the Immigration and Nationality Act, shall be fined in accordance with this title, or imprisoned not more than two years, or both.

"(c) This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a subdivision of a State, or of an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (18 U.S.C. note prec. 3481)."

(b) **CLERICAL AMENDMENT.**—The item relating to section 1546 in the table of sections of chapter 75 of such title is amended to read as follows:

"1546. Fraud and misuse of visas, permits, and other documents."

PART B—IMPROVEMENT OF ENFORCEMENT AND SERVICES

SEC. 111. AUTHORIZATION OF APPROPRIATIONS FOR ENFORCEMENT AND SERVICE ACTIVITIES OF THE IMMIGRATION AND NATURALIZATION SERVICE.

(a) TWO ESSENTIAL ELEMENTS.—It is the sense of Congress that two essential elements of the program of immigration control established by this Act are—

(1) an increase in the border patrol and other inspection and enforcement activities of the Immigration and Naturalization Service and of other appropriate Federal agencies in order to prevent and deter the illegal entry of aliens into the United States and the violation of the terms of their entry, and

(2) an increase in examinations and other service activities of the Immigration and Naturalization Service and other appropriate Federal agencies in order to ensure prompt and efficient adjudication of petitions and applications provided for under the Immigration and Nationality Act.

(b) INCREASED AUTHORIZATION OF APPROPRIATIONS FOR INS AND EOIR.—In addition to any other amounts authorized to be appropriated, in order to carry out this Act there are authorized to be appropriated to the Department of Justice—

(1) for the Immigration and Naturalization Service, for fiscal year 1987, \$422,000,000, and for fiscal year 1988, \$419,000,000; and

(2) for the Executive Office of Immigration Review, for fiscal year 1987, \$12,000,000, and for fiscal year 1988, \$15,000,000.

Of the amounts authorized to be appropriated under paragraph (1) sufficient funds shall be available to provide for an increase in the border patrol personnel of the Immigration and Naturalization Service so that the average level of such personnel in each of fiscal years 1987 and 1988 is at least 50 percent higher than such level for fiscal year 1986.

(c) USE OF FUNDS FOR IMPROVED SERVICES.—Of the funds appropriated to the Department of Justice for the Immigration and Naturalization Service, the Attorney General shall provide for improved immigration and naturalization services and for enhanced community outreach and in-service training of personnel of the Service. Such enhanced community outreach may include the establishment of appropriate local community taskforces to improve the working relationship between the Service and local community groups and organizations (including employers and organizations representing minorities).

(d) SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR WAGE AND HOUR ENFORCEMENT.—There are authorized to be appropriated, in addition to such sums as may be available for such purposes, such sums as may be necessary to the Department of Labor for enforcement activities of the Wage and Hour Division and the Office of Federal Contract Compliance Programs within the Employment Standards Administration of the Department in order to deter the employment of unauthorized aliens and remove the economic incentive for employers to exploit and use such aliens.

SEC. 112. UNLAWFUL TRANSPORTATION OF ALIENS TO THE UNITED STATES.

(a) CRIMINAL PENALTIES.—Subsection (a) of section 274 (8 U.S.C. 1324) is amended to read as follows:

"(a) CRIMINAL PENALTIES.—(1) Any person who—

"(A) knowing that a person is an alien, brings to or attempts to bring to the United States in any manner whatsoever such person at a place other than a designated port of entry or place other than as designated by the Commissioner, regardless of whether such alien has received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such alien;

"(B) knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, transports, or moves or attempts to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law;

"(C) knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, conceals, harbors, or shields from detection, or attempts to conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation; or

"(D) encourages or induces an alien to come to, enter, or reside in the United States, knowing or in reckless disregard of the fact that such coming to, entry, or residence is or will be in violation of law,

shall be fined in accordance with title 18, United States Code, imprisoned not more than five years, or both, for each alien in respect to whom any violation of this subsection occurs.

"(2) Any person who, knowing or in reckless disregard of the fact that an alien has not received prior official authorization to come to, enter, or reside in the United States, brings to or attempts to bring to the United States in any manner whatsoever, such alien, regardless of any official action which may later be taken with respect to such alien shall, for each transaction constituting a violation of this paragraph, regardless of the number of aliens involved—

"(A) be fined in accordance with title 18, United States Code, or imprisoned not more than one year, or both; or

"(B) in the case of—

"(i) a second or subsequent offense,

"(ii) an offense done for the purpose of commercial advantage or private financial gain, or

"(iii) an offense in which the alien is not upon arrival immediately brought and presented to an appropriate immigration officer at a designated port of entry,

be fined in accordance with title 18, United States Code, or imprisoned not more than five years, or both."

(b) MISCELLANEOUS AMENDMENTS TO SEIZURE AND FORFEITURE PROCEDURES.—Subsection (b) of such section is amended—

(1) in paragraph (1) before subparagraph (A) by striking out "is used" and inserting in lieu thereof "has been or is being used",

(2) by striking out "subject to seizure and" in paragraph (1) and inserting in lieu thereof "seized and subject to",

(3) by inserting "or is being" after "has been" in paragraph (2),

(4) by striking out "conveyances" in paragraph (3) and inserting in lieu thereof "property",

(5) by inserting “, or the Federal Maritime Commission if appropriate under section 203(i) of the Federal Property and Administrative Services Act of 1949,” in paragraph (4)(C) after “General Services Administration”,

(6) in paragraph (4)—

(A) by striking out “or” at the end of subparagraph (B),

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof “; or”, and

(C) by inserting after such subparagraph the following new subparagraph:

“(D) dispose of the conveyance in accordance with the terms and conditions of any petition of remission or mitigation of forfeiture granted by the Attorney General.”;

(7) by striking out “: *Provided, That*” in paragraph (5) and inserting in lieu thereof “, except that”,

(8) by striking out “was not lawfully entitled to enter, or reside within, the United States” in paragraph (5) and inserting in lieu thereof “had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law” each place it appears, and

(9) by inserting “or of the Department of State” in paragraph (5)(B) after “Service”.

#### SEC. 113. IMMIGRATION EMERGENCY FUND.

Section 404 (8 U.S.C. 1101 note) is amended by inserting “(a)” after “SEC. 404.” and by adding at the end the following new subsection:

“(b) There are authorized to be appropriated to an immigration emergency fund, to be established in the Treasury, \$35,000,000, to be used to provide for an increase in border patrol or other enforcement activities of the Service and for reimbursement of State and localities in providing assistance as requested by the Attorney General in meeting an immigration emergency, except that no amounts may be withdrawn from such fund with respect to an emergency unless the President has determined that the immigration emergency exists and has certified such fact to the Judiciary Committees of the House of Representatives and of the Senate.”.

#### SEC. 114. LIABILITY OF OWNERS AND OPERATORS OF INTERNATIONAL BRIDGES AND TOLL ROADS TO PREVENT THE UNAUTHORIZED LANDING OF ALIENS.

Section 271 (8 U.S.C. 1321) is amended by inserting at the end the following new subsection:

“(c)(1) Any owner or operator of a railroad line, international bridge, or toll road who establishes to the satisfaction of the Attorney General that the person has acted diligently and reasonably to fulfill the duty imposed by subsection (a) shall not be liable for the penalty described in such subsection, notwithstanding the failure of the person to prevent the unauthorized landing of any alien.

“(2)(A) At the request of any person described in paragraph (1), the Attorney General shall inspect any facility established, or any method utilized, at a point of entry into the United States by such person for the purpose of complying with subsection (a). The Attorney General shall approve any such facility or method (for such period of time as the Attorney General may prescribe) which the Attorney General determines is satisfactory for such purpose.

"(B) Proof that any person described in paragraph (1) has diligently maintained any facility, or utilized any method, which has been approved by the Attorney General under subparagraph (A) (within the period for which the approval is effective) shall be prima facie evidence that such person acted diligently and reasonably to fulfill the duty imposed by subsection (a) (within the meaning of paragraph (1) of this subsection)."

**SEC. 115. ENFORCEMENT OF THE IMMIGRATION LAWS OF THE UNITED STATES.**

It is the sense of the Congress that—

(1) the immigration laws of the United States should be enforced vigorously and uniformly, and

(2) in the enforcement of such laws, the Attorney General shall take due and deliberate actions necessary to safeguard the constitutional rights, personal safety, and human dignity of United States citizens and aliens.

**SEC. 116. RESTRICTING WARRANTLESS ENTRY IN THE CASE OF OUTDOOR AGRICULTURAL OPERATIONS.**

Section 287 (8 U.S.C. 1357) is amended by adding at the end the following new subsection:

"(d) Notwithstanding any other provision of this section other than paragraph (3) of subsection (a), an officer or employee of the Service may not enter without the consent of the owner (or agent thereof) or a properly executed warrant onto the premises of a farm or other outdoor agricultural operation for the purpose of interrogating a person believed to be an alien as to the person's right to be or to remain in the United States."

**SEC. 117. RESTRICTIONS ON ADJUSTMENT OF STATUS.**

Section 245(c)(2) (8 U.S.C. 1255(c)(2)) is amended by inserting after "hereafter continues in or accepts unauthorized employment prior to filing an application for adjustment of status" the following: "or who is not in legal immigration status on the date of filing the application for adjustment of status or who has failed (other than through no fault of his own for technical reasons) to maintain continuously a legal status since entry into the United States".

**PART C—VERIFICATION OF STATUS UNDER CERTAIN PROGRAMS**

**SEC. 121. VERIFICATION OF IMMIGRATION STATUS OF ALIENS APPLYING FOR BENEFITS UNDER CERTAIN PROGRAMS.**

**(a) REQUIRING IMMIGRATION STATUS VERIFICATION.—**

(1) UNDER AFDC, MEDICAID, UNEMPLOYMENT COMPENSATION, AND FOOD STAMP PROGRAMS.—Section 1137 of the Social Security Act (42 U.S.C. 1320b-7) is amended—

(A) in the matter in subsection (a) before paragraph (1), by inserting "which meets the requirements of subsection (d) and" after "income and eligibility verification system",

(B) in subsection (b), by striking out "income verification system" in the matter preceding paragraph (1) and inserting in lieu thereof "income and eligibility verification system", and

(C) by adding at the end the following new subsections:

"(d) The requirements of this subsection, with respect to an income and eligibility verification system of a State, are as follows:

"(1)(A) The State shall require, as a condition of an individual's eligibility for benefits under any program listed in subsection (b), a declaration in writing by the individual (or, in the case of an individual who is a child, by another on the individual's behalf), under penalty of perjury, stating whether or not the individual is a citizen or national of the United States, and, if that individual is not a citizen or national of the United States, that the individual is in a satisfactory immigration status.

"(B) In this subsection—

"(i) in the case of the program described in subsection (b)(1), any reference to an individual's eligibility for benefits under the program shall be considered a reference to the individual's being considered a dependent child or to the individual's being treated as a caretaker relative or other person whose needs are to be taken into account in making the determination under section 402(a)(7),

"(ii) in the case of the program described in subsection (b)(4)—

"(I) any reference to the State shall be considered a reference to the State agency, and

"(II) any reference to an individual's eligibility for benefits under the program shall be considered a reference to the individual's eligibility to participate in the program as a member of a household, and

"(III) the term 'satisfactory immigration status' means an immigration status which does not make the individual ineligible for benefits under the applicable program.

"(2) If such an individual is not a citizen or national of the United States, there must be presented either—

"(A) alien registration documentation or other proof of immigration registration from the Immigration and Naturalization Service that contains the individual's alien admission number or alien file number (or numbers if the individual has more than one number), or

"(B) such other documents as the State determines constitutes reasonable evidence indicating a satisfactory immigration status.

"(3) If the documentation described in paragraph (2)(A) is presented, the State shall utilize the individual's alien file or alien admission number to verify with the Immigration and Naturalization Service the individual's immigration status through an automated or other system (designated by the Service for use with States) that—

"(A) utilizes the individual's name, file number, admission number, or other means permitting efficient verification, and

"(B) protects the individual's privacy to the maximum degree possible.

"(4) In the case of such an individual who is not a citizen or national of the United States, if, at the time of application for benefits, the statement described in paragraph (1) is submitted but the documentation required under paragraph (2) is not presented or if the documentation required under paragraph (2)(A) is presented but such documentation is not verified under paragraph (3)—

“(A) the State—

“(i) shall provide a reasonable opportunity to submit to the State evidence indicating a satisfactory immigration status, and

“(ii) may not delay, deny, reduce, or terminate the individual's eligibility for benefits under the program on the basis of the individual's immigration status until such a reasonable opportunity has been provided; and

“(B) if there are submitted documents which the State determines constitutes reasonable evidence indicating such status—

“(i) the State shall transmit to the Immigration and Naturalization Service photostatic or other similar copies of such documents for official verification,

“(ii) pending such verification, the State may not delay, deny, reduce, or terminate the individual's eligibility for benefits under the program on the basis of the individual's immigration status, and

“(iii) the State shall not be liable for the consequences of any action, delay, or failure of the Service to conduct such verification.

“(5) If the State determines, after complying with the requirements of paragraph (4), that such an individual is not in a satisfactory immigration status under the applicable program—

“(A) the State shall deny or terminate the individual's eligibility for benefits under the program, and

“(B) the applicable fair hearing process shall be made available with respect to the individual.

“(e) Each Federal agency responsible for administration of a program described in subsection (b) shall not take any compliance, disallowance, penalty, or other regulatory action against a State with respect to any error in the State's determination to make an individual eligible for benefits based on citizenship or immigration status—

“(1) if the State has provided such eligibility based on a verification of satisfactory immigration status by the Immigration and Naturalization Service,

“(2) because the State, under subsection (d)(4)(A)(ii), was required to provide a reasonable opportunity to submit documentation,

“(3) because the State, under subsection (d)(4)(B)(ii), was required to wait for the response of the Immigration and Naturalization Service to the State's request for official verification of the immigration status of the individual, or

“(4) because of a fair hearing process described in subsection (d)(5)(B).”.

(2) UNDER HOUSING ASSISTANCE PROGRAMS.—Section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a) is amended by adding at the end the following new subsections:

“(d) The following conditions apply with respect to financial assistance being provided for the benefit of an individual:

“(1)(A) There must be a declaration in writing by the individual (or, in the case of an individual who is a child, by another on the individual's behalf), under penalty of perjury, stating whether or not the individual is a citizen or national of the

United States, and, if that individual is not a citizen or national of the United States, that the individual is in a satisfactory immigration status.

"(B) In this subsection, the term 'satisfactory immigration status' means an immigration status which does not make the individual ineligible for financial assistance.

"(2) If such an individual is not a citizen or national of the United States, there must be presented either—

"(A) alien registration documentation or other proof of immigration registration from the Immigration and Naturalization Service that contains the individual's alien admission number or alien file number (or numbers if the individual has more than one number), or

"(B) such other documents as the Secretary determines constitutes reasonable evidence indicating a satisfactory immigration status.

"(3) If the documentation described in paragraph (2)(A) is presented, the Secretary shall utilize the individual's alien file or alien admission number to verify with the Immigration and Naturalization Service the individual's immigration status through an automated or other system (designated by the Service for use with States) that—

"(A) utilizes the individual's name, file number, admission number, or other means permitting efficient verification, and

"(B) protects the individual's privacy to the maximum degree possible.

"(4) In the case of such an individual who is not a citizen or national of the United States, if, at the time of application for financial assistance, the statement described in paragraph (1) is submitted but the documentation required under paragraph (2) is not presented or if the documentation required under paragraph (2)(A) is presented but such documentation is not verified under paragraph (3)—

"(A) the Secretary—

"(i) shall provide a reasonable opportunity to submit to the Secretary evidence indicating a satisfactory immigration status, and

"(ii) may not delay, deny, reduce, or terminate the individual's eligibility for financial assistance on the basis of the individual's immigration status until such a reasonable opportunity has been provided; and

"(B) if there are submitted documents which the Secretary determines constitutes reasonable evidence indicating such status—

"(i) the Secretary shall transmit to the Immigration and Naturalization Service photostatic or other similar copies of such documents for official verification,

"(ii) pending such verification, the Secretary may not delay, deny, reduce, or terminate the individual's eligibility for financial assistance on the basis of the individual's immigration status, and

"(iii) the Secretary shall not be liable for the consequences of any action, delay, or failure of the Service to conduct such verification.

"(5) If the Secretary determines, after complying with the requirements of paragraph (4), that such an individual is not in a satisfactory immigration status—

"(A) the Secretary shall deny or terminate the individual's eligibility for financial assistance, and

"(B) the applicable fair hearing process shall be made available with respect to the individual.

In this subsection and subsection (e), the term 'Secretary' refers to the Secretary and to a public housing authority or other entity which makes financial assistance available.

"(e) The Secretary shall not take any compliance, disallowance, penalty, or other regulatory action against an entity with respect to any error in the entity's determination to make an individual eligible for financial assistance based on citizenship or immigration status—

"(1) if the entity has provided such eligibility based on a verification of satisfactory immigration status by the Immigration and Naturalization Service,

"(2) because the entity, under subsection (d)(4)(A)(ii), was required to provide a reasonable opportunity to submit documentation,

"(3) because the entity, under subsection (d)(4)(B)(ii), was required to wait for the response to the Immigration and Naturalization Service to the entity's request for official verification of the immigration status of the individual, or

"(4) because of a fair hearing process described in subsection (d)(5)(B)."

(3) UNDER TITLE IV EDUCATIONAL ASSISTANCE.—Section 484 of the Higher Education Act of 1965 (20 U.S.C. 1091) is amended by adding at the end the following new subsections:

"(c) The following conditions apply with respect to an individual's receipt of any grant, loan, or work assistance under this title as a student at an institution of higher education:

"(1)(A) There must be a declaration in writing to the institution by the student, under penalty of perjury, stating whether or not the student is a citizen or national of the United States, and, if the student is not a citizen or national of the United States, that the individual is in a satisfactory immigration status.

"(B) In this subsection, the term 'satisfactory immigration status' means an immigration status which does not make the student ineligible for a grant, loan, or work assistance under this title.

"(2) If the student is not a citizen or national of the United States, there must be presented to the institution either—

"(A) alien registration documentation or other proof of immigration registration from the Immigration and Naturalization Service that contains the individual's alien admission number or alien file number (or numbers if the individual has more than one number), or

"(B) such other documents as the institution determines (in accordance with guidelines of the Secretary) constitutes reasonable evidence indicating a satisfactory immigration status.

"(3) If the documentation described in paragraph (2)(A) is presented, the institution shall utilize the individual's alien file or alien admission number to verify with the Immigration and

Naturalization Service the individual's immigration status through an automated or other system (designated by the Service for use with institutions) that—

“(A) utilizes the individual's name, file number, admission number, or other means permitting efficient verification, and

“(B) protects the individual's privacy to the maximum degree possible.

“(4) In the case of such an individual who is not a citizen or national of the United States, if the statement described in paragraph (1) is submitted but the documentation required under paragraph (2) is not presented or if the documentation required under paragraph (2)(A) is presented but such documentation is not verified under paragraph (3)—

“(A) the institution—

“(i) shall provide a reasonable opportunity to submit to the institution evidence indicating a satisfactory immigration status, and

“(ii) may not delay, deny, reduce, or terminate the individual's eligibility for the grant, loan, or work assistance on the basis of the individual's immigration status until such a reasonable opportunity has been provided; and

“(B) if there are submitted documents which the institution determines constitutes reasonable evidence indicating such status—

“(i) the institution shall transmit to the Immigration and Naturalization Service photostatic or other similar copies of such documents for official verification,

“(ii) pending such verification, the institution may not delay, deny, reduce, or terminate the individual's eligibility for the grant, loan, or work assistance on the basis of the individual's immigration status, and

“(iii) the institution shall not be liable for the consequences of any action, delay, or failure of the Service to conduct such verification.

“(5) If the institution determines, after complying with the requirements of paragraph (4), that such an individual is not in a satisfactory immigration status—

“(A) the institution shall deny or terminate the individual's eligibility for such grant, loan, or work assistance, and

“(B) the fair hearing process (which includes, at a minimum, the requirements of paragraph (6)) shall be made available with respect to the individual.

“(6) The minimal requirements of this paragraph for a fair hearing process are as follows:

“(A) The institution provides the individual concerned with written notice of the determination described in paragraph (5) and of the opportunity for a hearing respecting the determination.

“(B) Upon timely request by the individual, the institution provides a hearing before an official of the institution at which the individual can produce evidence of a satisfactory immigration status.

“(C) Not later than 45 days after the date of an individual's request for a hearing, the official will notify the

individual in writing of the official's decision on the appeal of the determination.

"(d) The Secretary shall not take any compliance, disallowance, penalty, or other regulatory action against an institution of higher education with respect to any error in the institution's determination to make a student eligible for a grant, loan, or work assistance based on citizenship or immigration status—

"(1) if the institution has provided such eligibility based on a verification of satisfactory immigration status by the Immigration and Naturalization Service,

"(2) because the institution, under subsection (c)(4)(A)(ii), was required to provide a reasonable opportunity to submit documentation,

"(3) because the institution, under subsection (c)(4)(B)(ii), was required to wait for the response of the Immigration and Naturalization Service to the institution's request for official verification of the immigration status of the student, or

"(4) because of a fair hearing process described in subsection (c)(5)(B).

"(e) Notwithstanding subsection (c), if—

"(1) a guaranty is made under this title for a loan made with respect to an individual,

"(2) at the time the guaranty is entered into, the provisions of subsection (c) had been complied with,

"(3) amounts are paid under the loan subject to such guaranty, and

"(4) there is a subsequent determination that, because of an unsatisfactory immigration status, the individual is not eligible for the loan,

the official of the institution making the determination shall notify and instruct the entity making the loan to cease further payments under the loan, but such guaranty shall not be voided or otherwise nullified with respect to such payments made before the date of the entity receives the notice."

(b) PROVIDING 100 PERCENT REIMBURSEMENT FOR COSTS OF IMPLEMENTATION AND OPERATION.—

(1) UNDER AFDC PROGRAM.—Section 403(a)(3) of the Social Security Act is amended by inserting before subparagraph (B) the following new subparagraph:

"(A) 100 percent of so much of such expenditures as are for the costs of the implementation and operation of the immigration status verification system described in section 1137(d)."

(2) UNDER MEDICAID PROGRAM.—Section 1903(a) of such Act is amended by inserting after paragraph (3) the following new paragraph:

"(4) an amount equal to 100 percent of the sums expended during the quarter which are attributable to the costs of the implementation and operation of the immigration status verification system described in section 1137(d); plus"

(3) UNDER UNEMPLOYMENT COMPENSATION PROGRAM.—The first sentence of section 302(a) of such Act is amended by inserting before the period at the end the following: ", including 100 percent of so much of the reasonable expenditures of the State as are attributable to the costs of the implementation and operation of the immigration status verification system described in section 1137(d)".

(4) UNDER CERTAIN TERRITORIAL ASSISTANCE PROGRAMS.—Sections 3(a)(4), 1003(a)(3), 1403(a)(3), and 1603(a)(4) of the Social Security Act (as in effect without regard to section 301 of the Social Security Amendments of 1972) are each amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

“(B) 100 percent of so much of such expenditures as are for the costs of the implementation and operation of the immigration status verification system described in section 1137(d); plus”.

(5) UNDER THE FOOD STAMP PROGRAM.—Section 16 of the Food Stamp Act of 1977 (7 U.S.C. 2025) is amended by adding at the end the following new subsection:

“(h) The Secretary is authorized to pay to each State agency an amount equal to 100 per centum of the costs incurred by the State agency in implementing and operating the immigration status verification system described in section 1137(d) of the Social Security Act.”.

(6) UNDER HOUSING ASSISTANCE PROGRAMS.—The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following new section:

“PAYMENT FOR IMPLEMENTATION OF IMMIGRATION STATUS  
VERIFICATION SYSTEM

“Sec. 20. The Secretary is authorized to pay to each public housing authority an amount equal to 100 percent of the costs incurred by the authority in implementing and operating the immigration status verification system under section 214(c) of the Housing and Community Development Act of 1980 with respect to financial assistance made available pursuant to this Act.”.

(7) UNDER TITLE IV EDUCATIONAL ASSISTANCE.—Section 489(a) of the Higher Education Act of 1965 (20 U.S.C. 1096) is amended by adding at the end the following: “In addition, the Secretary shall provide for payment to each institution of higher education an amount equal to 100 percent of the costs incurred by the institution in implementing and operating the immigration status verification system under section 484(c).”.

(c) EFFECTIVE DATES.—

(1) IMMIGRATION AND NATURALIZATION SERVICE ESTABLISHING VERIFICATION SYSTEM BY OCTOBER 1, 1987.—The Commissioner of Immigration and Naturalization shall implement a system for the verification of immigration status under paragraphs (3) and (4)(B)(i) of section 1137(d) of the Social Security Act (as amended by this section) so that the system is available to all the States by not later than October 1, 1987. Such system shall not be used by the Immigration and Naturalization Service for administrative (non-criminal) immigration enforcement purposes and shall be implemented in a manner that provides for verification of immigration status without regard to the sex, color, race, religion, or nationality of the individual involved.

(2) HIGHER MATCHING EFFECTIVE IN FISCAL YEAR 1988.—The amendments made by subsection (b) take effect on October 1, 1987.

(3) USE OF VERIFICATION SYSTEM REQUIRED IN FISCAL YEAR 1989.—Except as provided in paragraph (4), the amendments made by subsection (a) take effect on October 1, 1988. States

have until that date to begin complying with the requirements imposed by those amendments.

**(4) USE OF VERIFICATION SYSTEM NOT REQUIRED FOR A PROGRAM IN CERTAIN CASES.—**

**(A) REPORT TO RESPECTIVE CONGRESSIONAL COMMITTEES.—**

With respect to each covered program (as defined in subparagraph (D)(i)), each appropriate Secretary shall examine and report to the appropriate Committees of the House of Representatives and of the Senate, by not later than April 1, 1988, concerning whether (and the extent to which)—

(i) the application of the amendments made by subsection (a) to the program is cost-effective and otherwise appropriate, and

(ii) there should be a waiver of the application of such amendments under subparagraph (B).

The amendments made by subsection (a) shall not apply with respect to a covered program described in subclause (II), (V), (VI), or (VII) of subparagraph (D)(i) until after the date of receipt of such report with respect to the program.

**(B) WAIVER IN CERTAIN CASES.—**If, with respect to a covered program, the appropriate Secretary determines, on the Secretary's own initiative or upon an application by an administering entity and based on such information as the Secretary deems persuasive (which may include the results of the report required under subsection (d)(1) and information contained in such an application), that—

(i) the appropriate Secretary or the administering entity has in effect an alternative system of immigration status verification which—

(I) is as effective and timely as the system otherwise required under the amendments made by subsection (a) with respect to the program, and

(II) provides for at least the hearing and appeals rights for beneficiaries that would be provided under the amendments made by subsection (a), or

(ii) the costs of administration of the system otherwise required under such amendments exceed the estimated savings,

such Secretary may waive the application of such amendments to the covered program to the extent (by State or other geographic area or otherwise) that such determinations apply.

**(C) BASIS FOR DETERMINATION.—**A determination under subparagraph (B)(ii) shall be based upon the appropriate Secretary's estimate of—

(i) the number of aliens claiming benefits under the covered program in relation to the total number of claimants seeking benefits under the program,

(ii) any savings in benefit expenditures reasonably expected to result from implementation of the verification program, and

(iii) the labor and nonlabor costs of administration of the verification system,

the degree to which the Immigration and Naturalization Service is capable of providing timely and accurate information to the administering entity in order to permit a

reliable determination of immigration status, and such other factors as such Secretary deems relevant.

(D) DEFINITIONS.—In this paragraph:

(i) The term “covered program” means each of the following programs:

(I) The aid to families with dependent children program under part A of title IV of the Social Security Act.

(II) The medicaid program under title XIX of the Social Security Act.

(III) Any State program under a plan approved under title I, X, XIV, or XVI of the Social Security Act.

(IV) The unemployment compensation program under section 3304 of the Internal Revenue Code of 1954.

(V) The food stamp program under the Food Stamp Act of 1977.

(VI) The programs of financial assistance for housing subject to section 214 of the Housing and Community Development Act of 1980.

(VII) The program of grants, loans, and work assistance under title IV of the Higher Education Act of 1965.

(ii) The term “appropriate Secretary” means, with respect to the covered program described in—

(I) subclauses (I) through (III) of clause (i), the Secretary of Health and Human Services;

(II) clause (i)(IV), the Secretary of Labor;

(III) clause (i)(V), the Secretary of Agriculture;

(IV) clause (i)(VI), the Secretary of Housing and Urban Development; and

(V) clause (i)(VII), the Secretary of Education.

(iii) The term “administering entity” means, with respect to the covered program described in—

(I) subclause (I), (II), (III), (IV), or (V) of clause (i), the State agency responsible for the administration of the program in a State;

(II) clause (i)(VI), the Secretary of Housing and Urban Development, a public housing agency, or another entity that determines the eligibility of an individual for financial assistance; and

(III) clause (i)(VII), an institution of higher education involved.

(5) FUNDS AUTHORIZED.—Such sums as may be necessary are authorized for the Immigration and Naturalization Service to carry out the purposes of this section.

(d) GAO REPORTS.—

(1) REPORT ON CURRENT PILOT PROJECTS.—The Comptroller General shall—

(A) examine current pilot projects relating to the System for Alien Verification of Eligibility (SAVE) operated by, or through cooperative agreements with, the Immigration and Naturalization Service, and

(B) report, not later than October 1, 1987, to Congress and to the Commissioner of the Immigration and Naturalization Service concerning the effectiveness of such projects and

any problems with the implementation of such projects, particularly as they may apply to implementation of the system referred to in subsection (c)(1).

(2) REPORT ON IMPLEMENTATION OF VERIFICATION SYSTEM.—The Comptroller General shall—

(A) monitor and analyze the implementation of such system,

(B) report to Congress and to the appropriate Secretaries described in subsection (c)(4)(D)(ii), by not later than April 1, 1989, on such implementation, and

(C) include in such report such recommendations for changes in the system as may be appropriate.

## TITLE II—LEGALIZATION

### SEC. 201. LEGALIZATION OF STATUS.

(a) PROVIDING FOR LEGALIZATION PROGRAM.—(1) Chapter 5 of title II is amended by inserting after section 245 (8 U.S.C. 1255) the following new section:

“ADJUSTMENT OF STATUS OF CERTAIN ENTRANTS BEFORE JANUARY 1, 1982, TO THAT OF PERSON ADMITTED FOR LAWFUL RESIDENCE

“SEC. 245A. (a) TEMPORARY RESIDENT STATUS.—The Attorney General shall adjust the status of an alien to that of an alien lawfully admitted for temporary residence if the alien meets the following requirements:

“(1) TIMELY APPLICATION.—

“(A) DURING APPLICATION PERIOD.—Except as provided in subparagraph (B), the alien must apply for such adjustment during the 12-month period beginning on a date (not later than 180 days after the date of enactment of this section) designated by the Attorney General.

“(B) APPLICATION WITHIN 30 DAYS OF SHOW-CAUSE ORDER.—An alien who, at any time during the first 11 months of the 12-month period described in subparagraph (A), is the subject of an order to show cause issued under section 242, must make application under this section not later than the end of the 30-day period beginning either on the first day of such 18-month period or on the date of the issuance of such order, whichever day is later.

“(C) INFORMATION INCLUDED IN APPLICATION.—Each application under this subsection shall contain such information as the Attorney General may require, including information on living relatives of the applicant with respect to whom a petition for preference or other status may be filed by the applicant at any later date under section 204(a).

“(2) CONTINUOUS UNLAWFUL RESIDENCE SINCE 1982.—

“(A) IN GENERAL.—The alien must establish that he entered the United States before January 1, 1982, and that he has resided continuously in the United States in an unlawful status since such date and through the date the application is filed under this subsection.

“(B) NONIMMIGRANTS.—In the case of an alien who entered the United States as a nonimmigrant before January 1, 1982, the alien must establish that the alien's period of authorized stay as a nonimmigrant expired before such

date through the passage of time or the alien's unlawful status was known to the Government as of such date.

"(C) EXCHANGE VISITORS.—If the alien was at any time a nonimmigrant exchange alien (as defined in section 101(a)(15)(J)), the alien must establish that the alien was not subject to the two-year foreign residence requirement of section 212(e) or has fulfilled that requirement or received a waiver thereof.

"(3) CONTINUOUS PHYSICAL PRESENCE SINCE ENACTMENT.—

"(A) IN GENERAL.—The alien must establish that the alien has been continuously physically present in the United States since the date of the enactment of this section.

"(B) TREATMENT OF BRIEF, CASUAL, AND INNOCENT ABSENCES.—An alien shall not be considered to have failed to maintain continuous physical presence in the United States for purposes of subparagraph (A) by virtue of brief, casual, and innocent absences from the United States.

"(C) ADMISSIONS.—Nothing in this section shall be construed as authorizing an alien to apply for admission to, or to be admitted to, the United States in order to apply for adjustment of status under this subsection.

"(4) ADMISSIBLE AS IMMIGRANT.—The alien must establish that he—

"(A) is admissible to the United States as an immigrant, except as otherwise provided under subsection (d)(2),

"(B) has not been convicted of any felony or of three or more misdemeanors committed in the United States,

"(C) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion, and

"(D) is registered or registering under the Military Selective Service Act, if the alien is required to be so registered under that Act.

For purposes of this subsection, an alien in the status of a Cuban and Haitian entrant described in paragraph (1) or (2)(A) of section 501(e) of Public Law 96-422 shall be considered to have entered the United States and to be in an unlawful status in the United States.

"(b) SUBSEQUENT ADJUSTMENT TO PERMANENT RESIDENCE AND NATURE OF TEMPORARY RESIDENT STATUS.—

"(1) ADJUSTMENT TO PERMANENT RESIDENCE.—The Attorney General shall adjust the status of any alien provided lawful temporary resident status under subsection (a) to that of an alien lawfully admitted for permanent residence if the alien meets the following requirements:

"(A) TIMELY APPLICATION AFTER ONE YEAR'S RESIDENCE.—

The alien must apply for such adjustment during the one-year period beginning with the nineteenth month that begins after the date the alien was granted such temporary resident status.

"(B) CONTINUOUS RESIDENCE.—

"(i) IN GENERAL.—The alien must establish that he has continuously resided in the United States since the date the alien was granted such temporary resident status.

"(ii) TREATMENT OF CERTAIN ABSENCES.—An alien shall not be considered to have lost the continuous residence referred to in clause (i) by reason of an absence from the United States permitted under paragraph (3)(A).

"(C) ADMISSIBLE AS IMMIGRANT.—The alien must establish that he—

"(i) is admissible to the United States as an immigrant, except as otherwise provided under subsection (d)(2), and

"(ii) has not been convicted of any felony or three or more misdemeanors committed in the United States.

"(D) BASIC CITIZENSHIP SKILLS.—

"(i) IN GENERAL.—The alien must demonstrate that he either—

"(I) meets the requirements of section 312 (relating to minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States), or

"(II) is satisfactorily pursuing a course of study (recognized by the Attorney General) to achieve such an understanding of English and such a knowledge and understanding of the history and government of the United States.

"(ii) EXCEPTION FOR ELDERLY INDIVIDUALS.—The Attorney General may, in his discretion, waive all or part of the requirements of clause (i) in the case of an alien who is 65 years of age or older.

"(iii) RELATION TO NATURALIZATION EXAMINATION.—In accordance with regulations of the Attorney General, an alien who has demonstrated under clause (i)(I) that the alien meets the requirements of section 312 may be considered to have satisfied the requirements of that section for purposes of becoming naturalized as a citizen of the United States under title III.

"(2) TERMINATION OF TEMPORARY RESIDENCE.—The Attorney General shall provide for termination of temporary resident status granted an alien under subsection (a)—

"(A) if it appears to the Attorney General that the alien was in fact not eligible for such status;

"(B) if the alien commits an act that (i) makes the alien inadmissible to the United States as an immigrant, except as otherwise provided under subsection (d)(2), or (ii) is convicted of any felony or three or more misdemeanors committed in the United States; or

"(C) at the end of the thirty-first month beginning after the date the alien is granted such status, unless the alien has filed an application for adjustment of such status pursuant to paragraph (1) and such application has not been denied.

"(3) AUTHORIZED TRAVEL AND EMPLOYMENT DURING TEMPORARY RESIDENCE.—During the period an alien is in lawful temporary resident status granted under subsection (a)—

"(A) AUTHORIZATION OF TRAVEL ABROAD.—The Attorney General shall, in accordance with regulations, permit the alien to return to the United States after such brief and casual trips abroad as reflect an intention on the part of the

alien to adjust to lawful permanent resident status under paragraph (1) and after brief temporary trips abroad occasioned by a family obligation involving an occurrence such as the illness or death of a close relative or other family need.

"(B) AUTHORIZATION OF EMPLOYMENT.—The Attorney General shall grant the alien authorization to engage in employment in the United States and provide to that alien an 'employment authorized' endorsement or other appropriate work permit.

"(c) APPLICATIONS FOR ADJUSTMENT OF STATUS.—

"(1) TO WHOM MAY BE MADE.—The Attorney General shall provide that applications for adjustment of status under subsection (a) may be filed—

"(A) with the Attorney General, or

"(B) with a qualified designated entity, but only if the applicant consents to the forwarding of the application to the Attorney General.

As used in this section, the term "qualified designated entity" means an organization or person designated under paragraph (2).

"(2) DESIGNATION OF QUALIFIED ENTITIES TO RECEIVE APPLICATIONS.—For purposes of assisting in the program of legalization provided under this section, the Attorney General—

"(A) shall designate qualified voluntary organizations and other qualified State, local, and community organizations, and

"(B) may designate such other persons as the Attorney General determines are qualified and have substantial experience, demonstrated competence, and traditional long-term involvement in the preparation and submittal of applications for adjustment of status under section 209 or 245, Public Law 89-732, or Public Law 95-145.

"(3) TREATMENT OF APPLICATIONS BY DESIGNATED ENTITIES.—Each qualified designated entity must agree to forward to the Attorney General applications filed with it in accordance with paragraph (1)(B) but not to forward to the Attorney General applications filed with it unless the applicant has consented to such forwarding. No such entity may make a determination required by this section to be made by the Attorney General.

"(4) LIMITATION ON ACCESS TO INFORMATION.—Files and records of qualified designated entities relating to an alien's seeking assistance or information with respect to filing an application under this section are confidential and the Attorney General and the Service shall not have access to such files or records relating to an alien without the consent of the alien.

"(5) CONFIDENTIALITY OF INFORMATION.—Neither the Attorney General, nor any other official or employee of the Department of Justice, or bureau or agency thereof, may—

"(A) use the information furnished pursuant to an application filed under this section for any purpose other than to make a determination on the application or for enforcement of paragraph (6),

"(B) make any publication whereby the information furnished by any particular individual can be identified, or

"(C) permit anyone other than the sworn officers and employees of the Department or bureau or agency or, with

respect to applications filed with a designated entity, that designated entity, to examine individual applications. Anyone who uses, publishes, or permits information to be examined in violation of this paragraph shall be fined in accordance with title 18, United States Code, or imprisoned not more than five years, or both.

"(6) **PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.**—Whoever files an application for adjustment of status under this section and knowingly and willfully falsifies, misrepresents, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than five years, or both.

"(7) **APPLICATION FEES.**—

"(A) **FEE SCHEDULE.**—The Attorney General shall provide for a schedule of fees to be charged for the filing of applications for adjustment under subsection (a) or (b)(1).

"(B) **USE OF FEES.**—The Attorney General shall deposit payments received under this paragraph in a separate account and amounts in such account shall be available, without fiscal year limitation, to cover administrative and other expenses incurred in connection with the review of applications filed under this section.

"(d) **WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR EXCLUSION.**—

"(1) **NUMERICAL LIMITATIONS DO NOT APPLY.**—The numerical limitations of sections 201 and 202 shall not apply to the adjustment of aliens to lawful permanent resident status under this section.

"(2) **WAIVER OF GROUNDS FOR EXCLUSION.**—In the determination of an alien's admissibility under subsections (a)(4)(A), (b)(1)(C)(i), and (b)(2)(B)—

"(A) **GROUNDS OF EXCLUSION NOT APPLICABLE.**—The provisions of paragraphs (14), (20), (21), (25), and (32) of section 212(a) shall not apply.

"(B) **WAIVER OF OTHER GROUNDS.**—

"(i) **IN GENERAL.**—Except as provided in clause (ii), the Attorney General may waive any other provision of section 212(a) in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

"(ii) **GROUNDS THAT MAY NOT BE WAIVED.**—The following provisions of section 212(a) may not be waived by the Attorney General under clause (i):

"(I) Paragraphs (9) and (10) (relating to criminals).

"(II) Paragraph (15) (relating to aliens likely to become public charges) insofar as it relates to an application for adjustment to permanent residence by an alien other than an alien who is eligible for benefits under title XVI of the Social Security Act or section 212 of Public Law 93-66 for the month in which such alien is granted lawful temporary residence status under subsection (a).

"(III) Paragraph (23) (relating to drug offenses), except for so much of such paragraph as relates to a single offense of simple possession of 30 grams or less of marihuana.

"(IV) Paragraphs (27), (28), and (29) (relating to national security and members of certain organizations).

"(V) Paragraph (33) (relating to those who assisted in the Nazi persecutions).

"(iii) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for adjustment of status under this section due to being inadmissible under section 212(a)(15) if the alien demonstrates a history of employment in the United States evidencing self-support without receipt of public cash assistance.

"(C) MEDICAL EXAMINATION.—The alien shall be required, at the alien's expense, to undergo such a medical examination (including a determination of immunization status) as is appropriate and conforms to generally accepted professional standards of medical practice.

"(e) TEMPORARY STAY OF DEPORTATION AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

"(1) BEFORE APPLICATION PERIOD.—The Attorney General shall provide that in the case of an alien who is apprehended before the beginning of the application period described in subsection (a)(1)(A) and who can establish a prima facie case of eligibility to have his status adjusted under subsection (a) (but for the fact that he may not apply for such adjustment until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for adjustment, the alien—

"(A) may not be deported, and

"(B) shall be granted authorization to engage in employment in the United States and be provided an 'employment authorized' endorsement or other appropriate work permit.

"(2) DURING APPLICATION PERIOD.—The Attorney General shall provide that in the case of an alien who presents a prima facie application for adjustment of status under subsection (a) during the application period, and until a final determination on the application has been made in accordance with this section, the alien—

"(A) may not be deported, and

"(B) shall be granted authorization to engage in employment in the United States and be provided an 'employment authorized' endorsement or other appropriate work permit.

"(f) ADMINISTRATIVE AND JUDICIAL REVIEW.—

"(1) ADMINISTRATIVE AND JUDICIAL REVIEW.—There shall be no administrative or judicial review of a determination respecting an application for adjustment of status under this section except in accordance with this subsection.

"(2) NO REVIEW FOR LATE FILINGS.—No denial of adjustment of status under this section based on a late filing of an application for such adjustment may be reviewed by a court of the United States or of any State or reviewed in any administrative proceeding of the United States Government.

"(3) ADMINISTRATIVE REVIEW.—

"(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Attorney General shall establish an appellate authority to provide for a single level of administrative appellate review of a determination described in paragraph (1).

"(B) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

"(4) JUDICIAL REVIEW.—

"(A) LIMITATION TO REVIEW OF DEPORTATION.—There shall be judicial review of such a denial only in the judicial review of an order of deportation under section 106.

"(B) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

"(g) IMPLEMENTATION OF SECTION.—

"(1) REGULATIONS.—The Attorney General, after consultation with the Committees on the Judiciary of the House of Representatives and of the Senate, shall prescribe—

"(A) regulations establishing a definition of the term 'resided continuously', as used in this section, and the evidence needed to establish that an alien has resided continuously in the United States for purposes of this section, and

"(B) such other regulations as may be necessary to carry out this section.

"(2) CONSIDERATIONS.—In prescribing regulations described in paragraph (1)(A)—

"(A) PERIODS OF CONTINUOUS RESIDENCE.—The Attorney General shall specify individual periods, and aggregate periods, of absence from the United States which will be considered to break a period of continuous residence in the United States and shall take into account absences due merely to brief and casual trips abroad.

"(B) ABSENCES CAUSED BY DEPORTATION OR ADVANCED PAROLE.—The Attorney General shall provide that—

"(i) an alien shall not be considered to have resided continuously in the United States, if, during any period for which continuous residence is required, the alien was outside the United States as a result of a departure under an order of deportation, and

"(ii) any period of time during which an alien is outside the United States pursuant to the advance parole procedures of the Service shall not be considered as part of the period of time during which an alien is outside the United States for purposes of this section.

"(C) WAIVERS OF CERTAIN ABSENCES.—The Attorney General may provide for a waiver, in the discretion of the Attorney General, of the periods specified under subpara-

graph (A) in the case of an absence from the United States due merely to a brief temporary trip abroad required by emergency or extenuating circumstances outside the control of the alien.

"(D) USE OF CERTAIN DOCUMENTATION.—The Attorney General shall require that—

"(i) continuous residence and physical presence in the United States must be established through documents, together with independent corroboration of the information contained in such documents, and

"(ii) the documents provided under clause (i) be employment-related if employment-related documents with respect to the alien are available to the applicant.

"(3) INTERIM FINAL REGULATIONS.—Regulations prescribed under this section may be prescribed to take effect on an interim final basis if the Attorney General determines that this is necessary in order to implement this section in a timely manner.

"(h) TEMPORARY DISQUALIFICATION OF NEWLY LEGALIZED ALIENS FROM RECEIVING CERTAIN PUBLIC WELFARE ASSISTANCE.—

"(1) IN GENERAL.—During the five-year period beginning on the date an alien was granted lawful temporary resident status under subsection (a), and notwithstanding any other provision of law—

"(A) except as provided in paragraphs (2) and (3), the alien is not eligible for—

"(i) any program of financial assistance furnished under Federal law (whether through grant, loan, guarantee, or otherwise) on the basis of financial need, as such programs are identified by the Attorney General in consultation with other appropriate heads of the various departments and agencies of Government (but in any event including the program of aid to families with dependent children under part A of title IV of the Social Security Act),

"(ii) medical assistance under a State plan approved under title XIX of the Social Security Act, and

"(iii) assistance under the Food Stamp Act of 1977; and

"(B) a State or political subdivision therein may, to the extent consistent with subparagraph (A) and paragraphs (2) and (3), provide that the alien is not eligible for the programs of financial assistance or for medical assistance described in subparagraph (A)(ii) furnished under the law of that State or political subdivision.

Unless otherwise specifically provided by this section or other law, an alien in temporary lawful residence status granted under subsection (a) shall not be considered (for purposes of any law of a State or political subdivision providing for a program of financial assistance) to be permanently residing in the United States under color of law.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply—

"(A) to a Cuban and Haitian entrant (as defined in paragraph (1) or (2)(A) of section 501(e) of Public Law 96-422, as in effect on April 1, 1983), or

"(B) in the case of assistance (other than aid to families with dependent children) which is furnished to an alien

who is an aged, blind, or disabled individual (as defined in section 1614(a)(1) of the Social Security Act).

**"(3) RESTRICTED MEDICAID BENEFITS.—**

**"(A) CLARIFICATION OF ENTITLEMENT.—**Subject to the restrictions under subparagraph (B), for the purpose of providing aliens with eligibility to receive medical assistance—

**"(i)** paragraph (1) shall not apply,

**"(ii)** aliens who would be eligible for medical assistance but for the provisions of paragraph (1) shall be deemed, for purposes of title XIX of the Social Security Act, to be so eligible, and

**"(iii)** aliens lawfully admitted for temporary residence under this section, such status not having changed, shall be considered to be permanently residing in the United States under color of law.

**"(B) RESTRICTION OF BENEFITS.—**

**"(i) LIMITATION TO EMERGENCY SERVICES AND SERVICES FOR PREGNANT WOMEN.—**Notwithstanding any provision of title XIX of the Social Security Act (including subparagraphs (B) and (C) of section 1902(a)(10) of such Act), aliens who, but for subparagraph (A), would be ineligible for medical assistance under paragraph (1), are only eligible for such assistance with respect to—

**"(I)** emergency services (as defined for purposes of section 1916(a)(2)(D) of the Social Security Act), and

**"(II)** services described in section 1916(a)(2)(B) of such Act (relating to service for pregnant women).

**"(ii) NO RESTRICTION FOR EXEMPT ALIENS AND CHILDREN.—**The restrictions of clause (i) shall not apply to aliens who are described in paragraph (2) or who are under 18 years of age.

**"(C) DEFINITION OF MEDICAL ASSISTANCE.—**In this paragraph, the term 'medical assistance' refers to medical assistance under a State plan approved under title XIX of the Social Security Act.

**"(4) TREATMENT OF CERTAIN PROGRAMS.—**Assistance furnished under any of the following provisions of law shall not be construed to be financial assistance described in paragraph (1)(A)(i):

**"(A)** The National School Lunch Act.

**"(B)** The Child Nutrition Act of 1966.

**"(C)** The Vocational Education Act of 1963.

**"(D)** Chapter 1 of the Education Consolidation and Improvement Act of 1981.

**"(E)** The Headstart-Follow Through Act.

**"(F)** The Job Training Partnership Act.

**"(G)** Title IV of the Higher Education Act of 1965.

**"(H)** The Public Health Service Act.

**"(I)** Titles V, XVI, and XX, and parts B, D, and E of title IV, of the Social Security Act (and titles I, X, XIV, and XVI of such Act as in effect without regard to the amendment made by section 301 of the Social Security Amendments of 1972).

**"(5) ADJUSTMENT NOT AFFECTING FASCELL-STONE BENEFITS.—**For the purpose of section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96-122), assistance shall be contin-

ued under such section with respect to an alien without regard to the alien's adjustment of status under this section.

"(i) DISSEMINATION OF INFORMATION ON LEGALIZATION PROGRAM.—Beginning not later than the date designated by the Attorney General under subsection (a)(1)(A), the Attorney General, in cooperation with qualified designated entities, shall broadly disseminate information respecting the benefits which aliens may receive under this section and the requirements to obtain such benefits."

(2) The table of contents for chapter 5 of title II is amended by inserting after the item relating to section 245 the following new item:

"Sec. 245A. Adjustment of status of certain entrants before January 1, 1982, to that of person admitted for lawful residence."

(b) CONFORMING AMENDMENTS.—(1) Section 402 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(f)(1) For temporary disqualification of certain newly legalized aliens from receiving aid to families with dependent children, see subsection (h) of section 245A of the Immigration and Nationality Act.

"(2) In any case where an alien disqualified from receiving aid under such subsection (h) is the parent of a child who is not so disqualified and who (without any adjustment of status under such section 245A) is considered a dependent child under subsection (a)(33), or is the brother or sister of such a child, subsection (a)(38) shall not apply, and the needs of such alien shall not be taken into account in making the determination under subsection (a)(7) with respect to such child, but the income of such alien (if he or she is the parent of such child) shall be included in making such determination to the same extent that income of a stepparent is included under subsection (a)(31)."

(2)(A) Section 472(a) of such Act is amended by adding at the end thereof (after and below paragraph (4)) the following new sentence: "In any case where the child is an alien disqualified under section 245A(h) of the Immigration and Nationality Act from receiving aid under the State plan approved under section 402 in or for the month in which such agreement was entered into or court proceedings leading to the removal of the child from the home were instituted, such child shall be considered to satisfy the requirements of paragraph (4) (and the corresponding requirements of section 473(a)(1)(B)), with respect to that month, if he or she would have satisfied such requirements but for such disqualification."

(B) Section 473(a)(1) of such Act is amended by adding at the end thereof (after and below subparagraph (C)) the following new sentence:

"The last sentence of section 472(a) shall apply, for purposes of subparagraph (B), in any case where the child is an alien described in that sentence."

(c) MISCELLANEOUS PROVISIONS.—

(1) PROCEDURES FOR PROPERTY ACQUISITION OR LEASING.—Notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), the Attorney General is authorized to expend from the appropriation provided for the administration and enforcement of the Immigration and Nationality Act, such amounts as may be necessary for the leasing or acquisition of property in the fulfillment of this

section. This authority shall end two years after the effective date of the legalization program.

(2) **USE OF RETIRED FEDERAL EMPLOYEES.**—Notwithstanding any other provision of law, the retired or retainer pay of a member or former member of the Armed Forces of the United States or the annuity of a retired employee of the Federal Government who retired on or before January 1, 1986, shall not be reduced while such individual is temporarily employed by the Immigration and Naturalization Service for a period of not to exceed 18 months to perform duties in connection with the adjustment of status of aliens under this section. The Service shall not temporarily employ more than 300 individuals under this paragraph. Notwithstanding any other provision of law, the annuity of a retired employee of the Federal Government shall not be increased or redetermined under chapter 83 or 84 of title 5, United States Code, as a result of a period of temporary employment under this paragraph.

**SEC. 202. CUBAN-HAITIAN ADJUSTMENT.**

(a) **ADJUSTMENT OF STATUS.**—The status of any alien described in subsection (b) may be adjusted by the Attorney General, in the Attorney General's discretion and under such regulations as the Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—

(1) the alien applies for such adjustment within two years after the date of the enactment of this Act;

(2) the alien is otherwise admissible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for exclusion specified in paragraphs (14), (15), (16), (17), (20), (21), (25), and (32) of section 212(a) of the Immigration and Nationality Act shall not apply;

(3) the alien is not an alien described in section 243(h)(2) of such Act;

(4) the alien is physically present in the United States on the date the application for such adjustment is filed; and

(5) the alien has continuously resided in the United States since January 1, 1982.

(b) **ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.**—The benefits provided by subsection (a) shall apply to any alien—

(1) who has received an immigration designation as a Cuban/Haitian Entrant (Status Pending) as of the date of the enactment of this Act, or

(2) who is a national of Cuba or Haiti, who arrived in the United States before January 1, 1982, with respect to whom any record was established by the Immigration and Naturalization Service before January 1, 1982, and who (unless the alien filed an application for asylum with the Immigration and Naturalization Service before January 1, 1982) was not admitted to the United States as a nonimmigrant.

(c) **NO AFFECT ON FASCELL-STONE BENEFITS.**—An alien who, as of the date of the enactment of this Act, is a Cuban and Haitian entrant for the purpose of section 501 of Public Law 96-422 shall continue to be considered such an entrant for such purpose without regard to any adjustment of status effected under this section.

(d) **RECORD OF PERMANENT RESIDENCE AS OF JANUARY 1, 1982.**—Upon approval of an alien's application for adjustment of status

under subsection (a), the Attorney General shall establish a record of the alien's admission for permanent residence as of January 1, 1982.

(e) **NO OFFSET IN NUMBER OF VISAS AVAILABLE.**—When an alien is granted the status of having been lawfully admitted for permanent residence pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under the Immigration and Nationality Act and the Attorney General shall not be required to charge the alien any fee.

(f) **APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.**—Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in this section shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

#### SEC. 203. UPDATING REGISTRY DATE TO JANUARY 1, 1972.

(a) **IN GENERAL.**—Section 249 (8 U.S.C. 1259) is amended—

(1) by striking out "JUNE 30, 1948" in the heading and inserting in lieu thereof "JANUARY 1, 1972", and

(2) by striking out "June 30, 1948" in paragraph (a) and inserting in lieu thereof "January 1, 1972".

(b) **CONFORMING AMENDMENT TO TABLE OF CONTENTS.**—The item in the table of contents relating to section 249 is amended by striking out "June 30, 1948" and inserting in lieu thereof "January 1, 1972".

(c) **CLARIFICATION.**—The numerical limitations of sections 201 and 202 of the Immigration and Nationality Act shall not apply to aliens provided lawful permanent resident status under section 249 of that Act.

#### SEC. 204. STATE LEGALIZATION IMPACT-ASSISTANCE GRANTS.

(a) **APPROPRIATION OF FUNDS.**—

(1) **IN GENERAL.**—Out of any money in the Treasury not otherwise appropriated, there are appropriated to carry out this section (and including Federal, State, and local administrative costs) \$1,000,000,000 (less the amount described in paragraph (2)) for fiscal year 1988 and for each of the three succeeding fiscal years.

(2) **OFFSET.**—

(A) **IN GENERAL.**—Subject to subparagraphs (B) through (D), the amount described in this paragraph for a fiscal year is equal to the amount estimated to be expended by the Federal Government in the fiscal year for the programs of financial assistance, medical assistance, and assistance under the Food Stamp Act of 1977 for aliens who would not be eligible for such assistance under paragraph (1)(A) of section 245A(h) of the Immigration and Nationality Act but for the provisions of paragraph (2) or paragraph (3) of such section.

(B) NO OFFSET FOR CERTAIN SSI ELIGIBLE INDIVIDUALS.—The amount described in this paragraph shall not include any amounts attributable to supplemental security benefits paid under title XVI of the Social Security Act or medical assistance furnished under a State plan approved under title XIX of the Social Security Act, in the case of an alien who is determined by the Secretary of Health and Human Services, based on an application for benefits under title XVI of the Social Security Act or section 212 of Public Law 93-66 filed prior to the date designated by the Attorney General in accordance with section 245A(a)(1)(A) of the Immigration and Nationality Act, to be permanently residing in the United States under color of law as provided in section 1614(a)(1)(B)(ii) of the Social Security Act and to be eligible to receive such benefits for the month prior to the month in which such date occurs, for such time as such alien continues without interruption to be eligible to receive such benefits in accordance with the provisions of title XVI of the Social Security Act or section 212 of Public Law 93-66, as appropriate.

(C) ESTIMATED INITIAL OFFSET.—For purposes of subparagraph (A), with respect to fiscal year 1988, the amount estimated to be expended is equal to \$70,000,000. For subsequent fiscal years, the amount estimated to be expended shall be such estimate as is contained in the annual fiscal budget submitted for that year to the Congress by the President.

(D) ADJUSTMENT FOR ESTIMATES.—If the actual amount of expenditures by the Federal Government described in subparagraph (A) for a fiscal year exceeds, or is less than, the amount estimated to be expended for that year under subparagraph (C) for that year (taking into account any adjustment under this subparagraph), then for the subsequent fiscal year the amount described in this paragraph shall be decreased, or increased, respectively, by the amount of such excess or deficit for that previous fiscal year.

(b) ENTITLEMENT OF STATES.—(1) From the sums appropriated under subsection (a) for a fiscal year (less the amount reserved for Federal administrative costs), the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall allot to each State with an application approved under subsection (d)(1) an amount determined in accordance with a formula, established by the Secretary by regulation, which takes into account—

(A) the number of eligible legalized aliens (as defined in subsection (j)(4)) residing in the State in that fiscal year;

(B) the ratio of the number of eligible legalized aliens in the State to the total number of residents of that State and to the total number of such aliens in all the States in that fiscal year;

(C) the amount of expenditures the State is likely to incur in that fiscal year in providing assistance for eligible legalized aliens for which reimbursement or payment may be made under this section;

(D) the ratio of the amount of such expenditures in the State to the total of all such expenditures in all the States;

(E) adjustments for the difference in previous years between the State's actual expenditures (described in subparagraph (C))

incurred and the allocation provided the State under this section for those years; and

(F) such other factors as the Secretary deems appropriate to provide for an equitable distribution of such amounts.

(2) To the extent that all the funds appropriated under this section for a fiscal year are not otherwise allotted to States either because all the States have not qualified for such allotments under this section for the fiscal year or because some States have indicated in their description of activities that they do not intend to use, in that fiscal year or the succeeding fiscal year, the full amount of such allotments, such excess shall be allotted among the remaining States in proportion to the amount otherwise allotted to such States for the fiscal year without regard to this paragraph.

(3) In determining the number of eligible legalized aliens for purposes of paragraph (1)(A), the Secretary may estimate such number on the basis of such data as he may deem appropriate.

(4) For each fiscal year the Secretary shall make payments, as provided by section 6503 of title 31, United States Code, to each State from its allotment under this subsection. Any amount paid to a State for any of the following fiscal years and remaining unobligated at the end of such year shall remain available to such State for the purposes for which it was made in subsequent fiscal years, but shall not remain available after September 30, 1994.

(c) PROVIDING ASSISTANCE.—(1) Of the amounts allotted to a State under this section, the State may only use such funds, in accordance with this section—

(A) for reimbursement of the costs of programs of public assistance provided with respect to eligible legalized aliens, for which such aliens were not disqualified under section 245A(h) of the Immigration and Nationality Act at the time of such assistance,

(B) for reimbursement of the costs of programs of public health assistance provided to any alien who is, or is applying on a timely basis under section 245A(a) of such Act to become, an eligible legalized alien, and

(C) to make payments to State educational agencies for the purpose of assisting local educational agencies of that State in providing educational services for eligible legalized aliens.

Subject to paragraph (2), the State may select the distribution of the use of such funds among such purposes.

(2)(A) Subject to subparagraphs (B) and (C), of the amounts allotted to a State under this section in any fiscal year, 10 percent shall be used by the State for reimbursement under paragraph (1)(A), 10 percent shall be used by the State for reimbursement under paragraph (1)(B), and 10 percent shall be used by the State for payments under paragraph (1)(C).

(B) If a State does not require the use of the full 10 percent provided under subparagraph (A) for a particular function described in a subparagraph of paragraph (1) for a fiscal year, the unused portion shall be equally distributed among the two other subparagraphs.

(C) In no case shall the funds provided under this section be used to provide reimbursement for more than 100 percent of the costs described in paragraph (1)(A) or (1)(B).

(3) To the extent that a State provides for the use of funds for the purpose described in paragraph (1)(C), the definitions and provisions of the Emergency Immigrant Education Act of 1984 (title VI of

Public Law 98-511; 20 U.S.C. 4101 et seq.) shall apply to payments under such paragraph in the same manner as they apply to payments under that Act, except that, in applying this paragraph—

(A) any reference in such Act to "immigrant children" shall be deemed to be a reference to "eligible legalized aliens" (including such aliens who are over 16 years of age) during the 60-month period beginning with the first month in which such an alien is granted temporary lawful residence under section 245A(a) of the Immigration and Nationality Act;

(B) in determining the amount of payment with respect to eligible legalized aliens who are over 16 years of age, the phrase "described under paragraph (2)" shall be deemed to be stricken from section 606(b)(1)(A) of such Act (20 U.S.C. 4105(b)(1)(A));

(C) the State educational agency may provide such educational services to adult eligible legalized aliens through local educational agencies and other public and private nonprofit organizations, including community-based organizations of demonstrated effectiveness; and

(D) such services may include English language and other programs designed to enable such aliens to attain the citizenship skills described in section 245A(b)(1)(D)(i) of the Immigration and Nationality Act.

(d) STATEMENTS AND ASSURANCES.—(1) No State is eligible for payment under subsection (b) unless the State—

(A) has filed with, and had approved by, the Secretary an application containing such information, including the information described in paragraph (2) and criteria for and administrative methods of disbursing funds received under this section, as the Secretary determines to be necessary to carry out this section, and

(B) transmits to the Secretary a statement of assurances that certifies that (i) funds allotted to the State under this section will only be used to carry out the purposes described in subsection (c)(1), (ii) the State will provide a fair method (as determined by the State) for the allocation of funds among State and local agencies in accordance with paragraph (2) and subsection (c)(2), and (iii) fiscal control and fund accounting procedures will be established that are adequate to meet the requirements of paragraph (2) and subsections (e) and (f).

(2) The application of each State under this subsection for each fiscal year must include detailed information on—

(A) the number of eligible legalized aliens residing in the State, and

(B) the costs (excluding any such costs otherwise paid from Federal funds) which the State and each locality is likely to incur for the purposes described in subsection (c)(1).

(e) REPORTS AND AUDITS.—(1)(A) Each State shall prepare and submit to the Secretary annual reports on its activities under this section. In order to properly evaluate and to compare the performance of different States assisted under this section and to assure the proper expenditure of funds under this section, such reports shall be in such form and contain such information as the Secretary determines (after consultation with the States and the Comptroller General) to be necessary—

(i) to secure an accurate description of those activities,

(ii) to secure a complete record of the purposes for which funds were spent, and of the recipients of such funds, and

(iii) to determine the extent to which funds were expended consistent with this section.

Copies of the report shall be provided, upon request, to any interested public agency, and each such agency may provide its views on these reports to the Congress.

(B) The Secretary shall annually report to the Congress on activities funded under this section and shall provide for transmittal of a copy of such report to each State.

(2)(A) For requirements relating to audits of funds received by a State under this section, see chapter 75 of title 31, United States Code (relating to requirements for single audit).

(B) Each State shall repay to the United States amounts ultimately found not to have been expended in accordance with this section, or the Secretary may offset such amounts against any other amount to which the State is or may become entitled under this section.

(C) The Secretary may, after notice and opportunity for a hearing, withhold payment of funds to any State which is not using its allotment under this section in accordance with this section. The Secretary may withhold such funds until the Secretary finds that the reason for the withholding has been removed and there is reasonable assurance that it will not recur.

(3) The State shall make copies of the reports and audits required by this subsection available for public inspection within the State.

(4)(A) For the purpose of evaluating and reviewing the assistance provided under this section, the Secretary and the Comptroller General shall have access to any books, accounts, records, correspondence, or other documents that are related to such assistance, and that are in the possession, custody, or control of States, political subdivisions thereof, or any of their grantees.

(B) In conjunction with an evaluation or review under subparagraph (A), no State or political subdivision thereof (or grantee of either) shall be required to create or prepare new records to comply with subparagraph (A).

(f) **LIMITATION ON PAYMENTS.**—(1) Payment under this section shall not be made for costs to the extent the costs are otherwise reimbursed or paid for under other Federal programs.

(2) Payment may only be made to a State with respect to costs for assistance of a program of public assistance or a program public health assistance to the extent such assistance is otherwise generally available under such programs to citizens residing in the State.

(g) **CRIMINAL PENALTIES FOR FALSE STATEMENTS.**—Whoever—

(1) knowingly and willfully makes or causes to be made any false statement or misrepresentation of a material fact in connection with the furnishing of assistance or services for which payment may be made by a State from funds allotted to the State under this section, or

(2) having knowledge of the occurrence of any event affecting his initial or continued right to any such payment conceals or fails to disclose such event with an intent fraudulently to secure such payment either in a greater amount than is due or when no such payment is authorized,

shall be fined in accordance with title 18, United States Code, imprisoned for not more than five years, or both.

(h) **ANTI-DISCRIMINATION PROVISION.**—(1)(A) For the purpose of applying the prohibitions against discrimination on the basis of age

under the Age Discrimination Act of 1975, on the basis of handicap under section 504 of the Rehabilitation Act of 1973, on the basis of sex under title IX of the Education Amendments of 1972, or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964, programs and activities funded in whole or in part with funds made available under this section are considered to be programs and activities receiving Federal financial assistance.

(B) No person shall on the ground of sex or religion be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under this section.

(2) Whenever the Secretary finds that a State or locality which has been provided payment from an allotment under this section has failed to comply with a provision of law referred to in paragraph (1)(A), with paragraph (1)(B), or with an applicable regulation (including one prescribed to carry out paragraph (1)(B)), he shall notify the chief executive officer of the State and shall request him to secure compliance. If within a reasonable period of time, not to exceed 60 days, the chief executive officer fails or refuses to secure compliance, the Secretary may—

(A) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted,

(B) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, or section 504 of the Rehabilitation Act of 1973, as may be applicable, or

(C) take such other action as may be provided by law.

(3) When a matter is referred to the Attorney General pursuant to paragraph (2)(A), or whenever he has reason to believe that the entity is engaged in a pattern or practice in violation of a provision of law referred to in paragraph (1)(A) or in violation of paragraph (1)(B), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

(i) **CONSULTATION WITH STATE AND LOCAL OFFICIALS.**—In establishing regulations and guidelines to carry out this section, the Secretary shall consult with representatives of State and local governments.

(j) **DEFINITIONS.**—For purposes of this section:

(1) The term "State" has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act.

(2) The term "programs of public assistance" means programs in a State or local jurisdiction which—

(A) provide for cash, medical, or other assistance (as defined by the Secretary) designed to meet the basic subsistence or health needs of individuals,

(B) are generally available to needy individuals residing in the State or locality, and

(C) receive funding from units of State or local government.

(3) The term "programs of public health assistance" means programs in a State or local jurisdiction which—

(A) provide public health services, including immunizations for immunizable diseases, testing and treatment for tuberculosis and sexually-transmitted diseases, and family planning services,

(B) are generally available to needy individuals residing in the State or locality, and

(C) receive funding from units of State or local government.

(4) The term "eligible legalized alien" means an alien who has been granted lawful temporary resident status under section 245A of the Immigration and Nationality Act, but only until the end of the five-year period beginning on the date the alien was granted such status.

### TITLE III—REFORM OF LEGAL IMMIGRATION

#### PART A—TEMPORARY AGRICULTURAL WORKERS

##### SEC. 301. H-2A AGRICULTURAL WORKERS.

(a) PROVIDING NEW "H-2A" NONIMMIGRANT CLASSIFICATION FOR TEMPORARY AGRICULTURAL LABOR.—Paragraph (15)(H) of section 101(a) (8 U.S.C. 1101(a)) is amended by striking out "to perform temporary services or labor," in clause (ii) and inserting in lieu thereof "(a) to perform agricultural labor or services, as defined by the Secretary of Labor in regulations and including agricultural labor defined in section 3121(g) of the Internal Revenue Code of 1954 and agriculture as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), of a temporary or seasonal nature, or (b) to perform other temporary service or labor".

(b) INVOLVEMENT OF DEPARTMENTS OF LABOR AND AGRICULTURE IN H-2A PROGRAM.—Section 214(c) (8 U.S.C. 1184(c)) is amended by adding at the end the following: "For purposes of this subsection with respect to nonimmigrants described in section 101(a)(15)(H)(ii)(a), the term 'appropriate agencies of Government' means the Department of Labor and includes the Department of Agriculture. The provisions of section 216 shall apply to the question of importing any alien as a nonimmigrant under section 101(a)(15)(H)(ii)(a)."

(c) ADMISSION OF H-2A WORKERS.—Chapter 2 of title II is amended by adding after section 215 the following new section:

##### "ADMISSION OF TEMPORARY H-2A WORKERS

"SEC. 216. (a) CONDITIONS FOR APPROVAL OF H-2A PETITIONS.—(1) A petition to import an alien as an H-2A worker (as defined in subsection (i)(2)) may not be approved by the Attorney General unless the petitioner has applied to the Secretary of Labor for a certification that—

"(A) there are not sufficient workers who are able, willing, and qualified, and who will be available at the time and place needed, to perform the labor or services involved in the petition, and

"(B) the employment of the alien in such labor or services will not adversely affect the wages and working conditions of workers in the United States similarly employed.

"(2) The Secretary of Labor may require by regulation, as a condition of issuing the certification, the payment of a fee to recover the reasonable costs of processing applications for certification.

"(b) CONDITIONS FOR DENIAL OF LABOR CERTIFICATION.—The Secretary of Labor may not issue a certification under subsection (a)

with respect to an employer if the conditions described in that subsection are not met or if any of the following conditions are met:

"(1) There is a strike or lockout in the course of a labor dispute which, under the regulations, precludes such certification.

"(2)(A) The employer during the previous two-year period employed H-2A workers and the Secretary of Labor has determined, after notice and opportunity for a hearing, that the employer at any time during that period substantially violated a material term or condition of the labor certification with respect to the employment of domestic or nonimmigrant workers.

"(B) No employer may be denied certification under subparagraph (A) for more than three years for any violation described in such subparagraph.

"(3) The employer has not provided the Secretary with satisfactory assurances that if the employment for which the certification is sought is not covered by State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State workers' compensation law for comparable employment.

"(4) The Secretary determines that the employer has not made positive recruitment efforts within a multi-state region of traditional or expected labor supply where the Secretary finds that there are a significant number of qualified United States workers who, if recruited, would be willing to make themselves available for work at the time and place needed. Positive recruitment under this paragraph is in addition to, and shall be conducted within the same time period as, the circulation through the interstate employment service system of the employer's job offer. The obligation to engage in positive recruitment under this paragraph shall terminate on the date the H-2A workers depart for the employer's place of employment.

"(c) SPECIAL RULES FOR CONSIDERATION OF APPLICATIONS.—The following rules shall apply in the case of the filing and consideration of an application for a labor certification under this section:

"(1) DEADLINE FOR FILING APPLICATIONS.—The Secretary of Labor may not require that the application be filed more than 60 days before the first date the employer requires the labor or services of the H-2A worker.

"(2) NOTICE WITHIN SEVEN DAYS OF DEFICIENCIES.—(A) The employer shall be notified in writing within seven days of the date of filing if the application does not meet the standards (other than that described in subsection (a)(1)(A)) for approval.

"(B) If the application does not meet such standards, the notice shall include the reasons therefor and the Secretary shall provide an opportunity for the prompt resubmission of a modified application.

"(3) ISSUANCE OF CERTIFICATION.—(A) The Secretary of Labor shall make, not later than 20 days before the date such labor or services are first required to be performed, the certification described in subsection (a)(1) if—

"(i) the employer has complied with the criteria for certification (including criteria for the recruitment of eligible individuals as prescribed by the Secretary), and

"(ii) the employer does not actually have, or has not been provided with referrals of, qualified eligible individuals who have indicated their availability to perform such labor or services on the terms and conditions of a job offer which meets the requirements of the Secretary.

In considering the question of whether a specific qualification is appropriate in a job offer, the Secretary shall apply the normal and accepted qualifications required by non-H-2A-employers in the same or comparable occupations and crops.

"(B)(i) For a period of 3 years subsequent to the effective date of this section, labor certifications shall remain effective only if, from the time the foreign worker departs for the employer's place of employment, the employer will provide employment to any qualified United States worker who applies to the employer until 50 percent of the period of the work contract, under which the foreign worker who is in the job was hired, has elapsed. In addition, the employer will offer to provide benefits, wages and working conditions required pursuant to this section and regulations.

"(ii) The requirement of clause (i) shall not apply to any employer who—

"(I) did not, during any calendar quarter during the preceding calendar year, use more than 500 man-days of agricultural labor, as defined in section 3(u) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(u)),

"(II) is not a member of an association which has petitioned for certification under this section for its members, and

"(III) has not otherwise associated with other employers who are petitioning for temporary foreign workers under this section.

"(iii) Six months before the end of the 3-year period described in clause (i), the Secretary of Labor shall consider the findings of the report mandated by section 403(a)(4)(D) of the Immigration Reform and Control Act of 1986 as well as other relevant materials, including evidence of benefits to United States workers and costs to employers, addressing the advisability of continuing a policy which requires an employer, as a condition for certification under this section, to continue to accept qualified, eligible United States workers for employment after the date the H-2A workers depart for work with the employer. The Secretary's review of such findings and materials shall lead to the issuance of findings in furtherance of the Congressional policy that aliens not be admitted under this section unless there are not sufficient workers in the United States who are able, willing, and qualified to perform the labor or service needed and that the employment of the aliens in such labor or services will not adversely affect the wages and working conditions of workers in the United States similarly employed. In the absence of the enactment of Federal legislation prior to three months before the end of the 3-year period described in clause (i) which addresses the subject matter of this subparagraph, the Secretary shall immediately publish the findings required by this clause, and shall promulgate, on an interim or final basis,

regulations based on his findings which shall be effective no later than three years from the effective date of this section.

"(iv) In complying with clause (i) of this subparagraph, an association shall be allowed to refer or transfer workers among its members: *Provided*, That for purposes of this section an association acting as an agent for its members shall not be considered a joint employer merely because of such referral or transfer.

"(v) United States workers referred or transferred pursuant to clause (iv) of this subparagraph shall not be treated disparately.

"(vi) An employer shall not be liable for payments under section 655.202(b)(6) of title 20, Code of Federal Regulations (or any successor regulation) with respect to an H-2A worker who is displaced due to compliance with the requirement of this subparagraph, if the Secretary of Labor certifies that the H-2A worker was displaced because of the employer's compliance with clause (i) of this subparagraph.

"(vii)(I) No person or entity shall willfully and knowingly withhold domestic workers prior to the arrival of H-2A workers in order to force the hiring of domestic workers under clause (i).

"(II) Upon the receipt of a complaint by an employer that a violation of subclause (I) has occurred the Secretary shall immediately investigate. He shall within 36 hours of the receipt of the complaint issue findings concerning the alleged violation. Where the Secretary finds that a violation has occurred, he shall immediately suspend the application of clause (i) of this subparagraph with respect to that certification for that date of need.

"(4) HOUSING.—Employers shall furnish housing in accordance with regulations. The employer shall be permitted at the employer's option to provide housing meeting applicable Federal standards for temporary labor camps or to secure housing which meets the local standards for rental and/or public accommodations or other substantially similar class of habitation: *Provided*, That in the absence of applicable local standards, State standards for rental and/or public accommodations or other substantially similar class of habitation shall be met: *Provided further*, That in the absence of applicable local or State standards, Federal temporary labor camp standards shall apply: *Provided further*, That the Secretary of Labor shall issue regulations which address the specific requirements of housing for employees principally engaged in the range production of livestock: *Provided further*, That when it is the prevailing practice in the area and occupation of intended employment to provide family housing, family housing shall be provided to workers with families who request it: *And provided further*, That nothing in this paragraph shall require an employer to provide or secure housing for workers who are not entitled to it under the temporary labor certification regulations in effect on June 1, 1986.

"(d) ROLES OF AGRICULTURAL ASSOCIATIONS.—

"(1) PERMITTING FILING BY AGRICULTURAL ASSOCIATIONS.—A petition to import an alien as a temporary agricultural worker, and an application for a labor certification with respect to such a worker, may be filed by an association of agricultural producers which use agricultural services.

"(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association is a joint or sole employer of temporary agricultural workers, the certifications granted under this section to the association may be used for the certified job opportunities of any of its producer members and such workers may be transferred among its producer members to perform agricultural services of a temporary or seasonal nature for which the certifications were granted.

"(3) TREATMENT OF VIOLATIONS.—

"(A) MEMBER'S VIOLATION DOES NOT NECESSARILY DISQUALIFY ASSOCIATION OR OTHER MEMBERS.—If an individual producer member of a joint employer association is determined to have committed an act that under subsection (b)(2) results in the denial of certification with respect to the member, the denial shall apply only to that member of the association unless the Secretary determines that the association or other member participated in, had knowledge of, or reason to know of, the violation.

"(B) ASSOCIATION'S VIOLATION DOES NOT NECESSARILY DISQUALIFY MEMBERS.—(i) If an association representing agricultural producers as a joint employer is determined to have committed an act that under subsection (b)(2) results in the denial of certification with respect to the association, the denial shall apply only to the association and does not apply to any individual producer member of the association unless the Secretary determines that the member participated in, had knowledge of, or reason to know of, the violation.

"(ii) If an association of agricultural producers certified as a sole employer is determined to have committed an act that under subsection (b)(2) results in the denial of certification with respect to the association, no individual producer member of such association may be the beneficiary of the services of temporary alien agricultural workers admitted under this section in the commodity and occupation in which such aliens were employed by the association which was denied certification during the period such denial is in force, unless such producer member employs such aliens in the commodity and occupation in question directly or through an association which is a joint employer of such workers with the producer member.

"(e) EXPEDITED ADMINISTRATIVE APPEALS OF CERTAIN DETERMINATIONS.—(1) Regulations shall provide for an expedited procedure for the review of a denial of certification under subsection (a)(1) or a revocation of such a certification or, at the applicant's request, for a de novo administrative hearing respecting the denial or revocation.

"(2) The Secretary of Labor shall expeditiously, but in no case later than 72 hours after the time a new determination is requested, make a new determination on the request for certification in the case of an H-2A worker if able, willing, and qualified eligible individuals are not actually available at the time such labor or services are required and a certification was denied in whole or in part because of the availability of qualified workers. If the employer asserts that any eligible individual who has been referred is not able, willing, or qualified, the burden of proof is on the employer to establish that the individual referred is not able, willing, or qualified because of employment-related reasons.

"(f) VIOLATORS DISQUALIFIED FOR 5 YEARS.—An alien may not be admitted to the United States as a temporary agricultural worker if the alien was admitted to the United States as such a worker within the previous five-year period and the alien during that period violated a term or condition of such previous admission.

"(g) AUTHORIZATIONS OF APPROPRIATIONS.—(1) There are authorized to be appropriated for each fiscal year, beginning with fiscal year 1987, \$10,000,000 for the purposes—

"(A) of recruiting domestic workers for temporary labor and services which might otherwise be performed by nonimmigrants described in section 101(a)(15)(H)(ii)(a), and

"(B) of monitoring terms and conditions under which such nonimmigrants (and domestic workers employed by the same employers) are employed in the United States.

"(2) The Secretary of Labor is authorized to take such actions, including imposing appropriate penalties and seeking appropriate injunctive relief and specific performance of contractual obligations, as may be necessary to assure employer compliance with terms and conditions of employment under this section.

"(3) There are authorized to be appropriated for each fiscal year, beginning with fiscal year 1987, such sums as may be necessary for the purpose of enabling the Secretary of Labor to make determinations and certifications under this section and under section 212(a)(14).

"(4) There are authorized to be appropriated for each fiscal year, beginning with fiscal year 1987, such sums as may be necessary for the purposes of enabling the Secretary of Agriculture to carry out the Secretary's duties and responsibilities under this section.

"(h) MISCELLANEOUS PROVISIONS.—(1) The Attorney General shall provide for such endorsement of entry and exit documents of nonimmigrants described in section 101(a)(15)(H)(ii) as may be necessary to carry out this section and to provide notice for purposes of section 274A.

"(2) The provisions of subsections (a) and (c) of section 214 and the provisions of this section preempt any State or local law regulating admissibility of nonimmigrant workers.

"(i) DEFINITIONS.—For purposes of this section:

"(1) The term 'eligible individual' means, with respect to employment, an individual who is not an unauthorized alien (as defined in section 274A(h)) with respect to that employment.

"(2) The term 'H-2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a)."

(d) EFFECTIVE DATE.—The amendments made by this section apply to petitions and applications filed under sections 214(c) and 216 of the Immigration and Nationality Act on or after the first day of the seventh month beginning after the date of the enactment of this Act (hereinafter in this section referred to as the "effective date").

(e) REGULATIONS.—The Attorney General, in consultation with the Secretary of Labor and the Secretary of Agriculture, shall approve all regulations to be issued implementing sections 101(a)(15)(H)(ii)(a) and 216 of the Immigration and Nationality Act. Notwithstanding any other provision of law, final regulations to implement such sections shall first be issued, on an interim or other basis, not later than the effective date.

(f) SENSE OF CONGRESS RESPECTING CONSULTATION WITH MEXICO.—It is the sense of Congress that the President should establish an advisory commission which shall consult with the Governments of

Mexico and of other appropriate countries and advise the Attorney General regarding the operation of the alien temporary worker program established under section 216 of the Immigration and Nationality Act.

(g) CONFORMING AMENDMENT TO TABLE OF CONTENTS.—The table of contents is amended by inserting after the item relating to section 215 the following new item:

"Sec. 216. Admission of temporary H-2A workers."

**SEC. 302. LAWFUL RESIDENCE FOR CERTAIN SPECIAL AGRICULTURAL WORKERS.**

(a) IN GENERAL.—(1) Chapter 1 of title II is amended by adding at the end the following new section:

**"SPECIAL AGRICULTURAL WORKERS**

**"SEC. 210. (a) LAWFUL RESIDENCE.—**

"(1) IN GENERAL.—The Attorney General shall adjust the status of an alien to that of an alien lawfully admitted for temporary residence if the Attorney General determines that the alien meets the following requirements:

"(A) APPLICATION PERIOD.—The alien must apply for such adjustment during the 18-month period beginning on the first day of the seventh month that begins after the date of enactment of this section.

"(B) PERFORMANCE OF SEASONAL AGRICULTURAL SERVICES AND RESIDENCE IN THE UNITED STATES.—The alien must establish that he has—

"(i) resided in the United States, and

"(ii) performed seasonal agricultural services in the United States for at least 90 man-days, during the 12-month period ending on May 1, 1986. For purposes of the previous sentence, performance of seasonal agricultural services in the United States for more than one employer on any one day shall be counted as performance of services for only 1 man-day.

"(C) ADMISSIBLE AS IMMIGRANT.—The alien must establish that he is admissible to the United States as an immigrant, except as otherwise provided under subsection (c)(2).

"(2) ADJUSTMENT TO PERMANENT RESIDENCE.—The Attorney General shall adjust the status of any alien provided lawful temporary resident status under paragraph (1) to that of an alien lawfully admitted for permanent residence on the following date:

"(A) GROUP 1.—Subject to the numerical limitation established under subparagraph (C), in the case of an alien who has established, at the time of application for temporary residence under paragraph (1), that the alien performed seasonal agricultural services in the United States for at least 90 man-days during each of the 12-month periods ending on May 1, 1984, 1985, and 1986, the adjustment shall occur on the first day after the end of the one-year period that begins on the later of (I) the date the alien was granted such temporary resident status, or (II) the day after the last day of the application period described in paragraph (1)(A).

"(B) GROUP 2.—In the case of aliens to which subparagraph (A) does not apply, the adjustment shall occur on the

day after the last day of the two-year period that begins on the later of (I) the date the alien was granted such temporary resident status, or (II) the day after the last day of the application period described in paragraph (1)(A).

"(C) NUMERICAL LIMITATION.—Subparagraph (A) shall not apply to more than 350,000 aliens. If more than 350,000 aliens meet the requirements of such subparagraph, such subparagraph shall apply to the 350,000 aliens whose applications for adjustment were first filed under paragraph (1) and subparagraph (B) shall apply to the remaining aliens.

"(3) TERMINATION OF TEMPORARY RESIDENCE.—During the period of temporary resident status granted an alien under paragraph (1), the Attorney General may terminate such status only upon a determination under this Act that the alien is deportable.

"(4) AUTHORIZED TRAVEL AND EMPLOYMENT DURING TEMPORARY RESIDENCE.—During the period an alien is in lawful temporary resident status granted under this subsection, the alien has the right to travel abroad (including commutation from a residence abroad) and shall be granted authorization to engage in employment in the United States and shall be provided an 'employment authorized' endorsement or other appropriate work permit, in the same manner as for aliens lawfully admitted for permanent residence.

"(5) IN GENERAL.—Except as otherwise provided in this subsection, an alien who acquires the status of an alien lawfully admitted for temporary residence under paragraph (1), such status not having changed, is considered to be an alien lawfully admitted for permanent residence (as described in section 101(a)(20)), other than under any provision of the immigration laws.

"(b) APPLICATIONS FOR ADJUSTMENT OF STATUS.—

"(1) TO WHOM MAY BE MADE.—

"(A) WITHIN THE UNITED STATES.—The Attorney General shall provide that applications for adjustment of status under subsection (a) may be filed—

"(i) with the Attorney General, or

"(ii) with a designated entity (designated under paragraph (2)), but only if the applicant consents to the forwarding of the application to the Attorney General.

"(B) OUTSIDE THE UNITED STATES.—The Attorney General, in cooperation with the Secretary of State, shall provide a procedure whereby an alien may apply for adjustment of status under subsection (a)(1) at an appropriate consular office outside the United States. If the alien otherwise qualifies for such adjustment, the Attorney General shall provide such documentation of authorization to enter the United States and to have the alien's status adjusted upon entry as may be necessary to carry out the provisions of this section.

"(2) DESIGNATION OF ENTITIES TO RECEIVE APPLICATIONS.—For purposes of receiving applications under this section, the Attorney General—

"(A) shall designate qualified voluntary organizations and other qualified State, local, community, farm labor

organizations, and associations of agricultural employers, and

"(B) may designate such other persons as the Attorney General determines are qualified and have substantial experience, demonstrated competence, and traditional long-term involvement in the preparation and submittal of applications for adjustment of status under section 209 or 245, Public Law 89-732, or Public Law 95-145.

**"(3) PROOF OF ELIGIBILITY.—**

"(A) IN GENERAL.—An alien may establish that he meets the requirement of subsection (a)(1)(B)(ii) through government employment records, records supplied by employers or collective bargaining organizations, and such other reliable documentation as the alien may provide. The Attorney General shall establish special procedures to credit properly work in cases in which an alien was employed under an assumed name.

"(B) DOCUMENTATION OF WORK HISTORY.—(i) An alien applying for adjustment of status under subsection (a)(1) has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of man-days (as required under subsection (a)(1)(B)(ii)).

"(ii) If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under clause (i) may be met by securing timely production of those records under regulations to be promulgated by the Attorney General.

"(iii) An alien can meet such burden of proof if the alien establishes that the alien has in fact performed the work described in subsection (a)(1)(B)(ii) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference. In such a case, the burden then shifts to the Attorney General to disprove the alien's evidence with a showing which negates the reasonableness of the inference to be drawn from the evidence.

**"(4) TREATMENT OF APPLICATIONS BY DESIGNATED ENTITIES.—**Each designated entity must agree to forward to the Attorney General applications filed with it in accordance with paragraph (1)(A)(ii) but not to forward to the Attorney General applications filed with it unless the applicant has consented to such forwarding. No such entity may make a determination required by this section to be made by the Attorney General.

**"(5) LIMITATION ON ACCESS TO INFORMATION.—**Files and records prepared for purposes of this section by designated entities operating under this section are confidential and the Attorney General and the Service shall not have access to such files or records relating to an alien without the consent of the alien.

**"(6) CONFIDENTIALITY OF INFORMATION.—**Neither the Attorney General, nor any other official or employee of the Department of Justice, or bureau or agency thereof, may—

"(A) use the information furnished pursuant to an application filed under this section for any purpose other than to make a determination on the application or for enforcement of paragraph (7),

"(B) make any publication whereby the information furnished by any particular individual can be identified, or

"(C) permit anyone other than the sworn officers and employees of the Department or bureau or agency or, with respect to applications filed with a designated entity, that designated entity, to examine individual applications.

Anyone who uses, publishes, or permits information to be examined in violation of this paragraph shall be fined in accordance with title 18, United States Code, or imprisoned not more than five years, or both.

"(7) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

"(A) CRIMINAL PENALTY.—Whoever—

"(i) files an application for adjustment of status under this section and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, or

"(ii) creates or supplies a false writing or document for use in making such an application, shall be fined in accordance with title 18, United States Code, or imprisoned not more than five years, or both.

"(B) EXCLUSION.—An alien who is convicted of a crime under subparagraph (A) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(19).

"(c) WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR EXCLUSION.—

"(1) NUMERICAL LIMITATIONS DO NOT APPLY.—The numerical limitations of sections 201 and 202 shall not apply to the adjustment of aliens to lawful permanent resident status under this section.

"(2) WAIVER OF GROUNDS FOR EXCLUSION.—In the determination of an alien's admissibility under subsection (a)(1)(C)—

"(A) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (14), (20), (21), (25), and (32) of section 212(a) shall not apply.

"(B) WAIVER OF OTHER GROUNDS.—

"(i) IN GENERAL.—Except as provided in clause (ii), the Attorney General may waive any other provision of section 212(a) in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

"(ii) GROUNDS THAT MAY NOT BE WAIVED.—The following provisions of section 212(a) may not be waived by the Attorney General under clause (i):

"(I) Paragraph (9) and (10) (relating to criminals).

"(II) Paragraph (15) (relating to aliens likely to become public charges).

"(III) Paragraph (23) (relating to drug offenses), except for so much of such paragraph as relates to a single offense of simple possession of 30 grams or less of marihuana.

"(IV) Paragraphs (27), (28), and (29) (relating to national security and members of certain organizations).

"(V) Paragraph (33) (relating to those who assisted in the Nazi persecutions).

"(C) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for adjustment of status under this section due to being inadmissible under section 212(a)(15) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

"(d) TEMPORARY STAY OF EXCLUSION OR DEPORTATION AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

"(1) BEFORE APPLICATION PERIOD.—The Attorney General shall provide that in the case of an alien who is apprehended before the beginning of the application period described in subsection (a)(1) and who can establish a nonfrivolous case of eligibility to have his status adjusted under subsection (a) (but for the fact that he may not apply for such adjustment until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for adjustment, the alien—

"(A) may not be excluded or deported, and

"(B) shall be granted authorization to engage in employment in the United States and be provided an 'employment authorized' endorsement or other appropriate work permit.

"(2) DURING APPLICATION PERIOD.—The Attorney General shall provide that in the case of an alien who presents a nonfrivolous application for adjustment of status under subsection (a) during the application period, and until a final determination on the application has been made in accordance with this section, the alien—

"(A) may not be excluded or deported, and

"(B) shall be granted authorization to engage in employment in the United States and be provided an 'employment authorized' endorsement or other appropriate work permit.

"(e) ADMINISTRATIVE AND JUDICIAL REVIEW.—

"(1) ADMINISTRATIVE AND JUDICIAL REVIEW.—There shall be no administrative or judicial review of a determination respecting an application for adjustment of status under this section except in accordance with this subsection.

"(2) ADMINISTRATIVE REVIEW.—

"(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Attorney General shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

"(B) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

"(3) JUDICIAL REVIEW.—

"(A) LIMITATION TO REVIEW OF EXCLUSION OR DEPORTATION.—There shall be judicial review of such a denial only in the judicial review of an order of exclusion or deportation under section 106.

"(B) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings

are directly contrary to clear and convincing facts contained in the record considered as a whole.

"(f) TEMPORARY DISQUALIFICATION OF NEWLY LEGALIZED ALIENS FROM RECEIVING AID TO FAMILIES WITH DEPENDENT CHILDREN.—During the five-year period beginning on the date an alien was granted lawful temporary resident status under subsection (a), and notwithstanding any other provision of law, the alien is not eligible for aid under a State plan approved under part A of title IV of the Social Security Act. Notwithstanding the previous sentence, in the case of an alien who would be eligible for aid under a State plan approved under part A of title IV of the Social Security Act but for the previous sentence, the provisions of paragraph (3) of section 245A(h) shall apply in the same manner as they apply with respect to paragraph (1) of such section and, for this purpose, any reference in section 245A(h)(3) to paragraph (1) is deemed a reference to the previous sentence.

"(g) TREATMENT OF SPECIAL AGRICULTURAL WORKERS.—For all purposes (subject to subsections (b)(3) and (f)) an alien whose status is adjusted under this section to that of an alien lawfully admitted for permanent residence, such status not having changed, shall be considered to be an alien lawfully admitted for permanent residence (within the meaning of section 101(a)(20)).

"(h) SEASONAL AGRICULTURAL SERVICES DEFINED.—In this section, the term 'seasonal agricultural services' means the performance of field work related to planting, cultural practices, cultivating, growing and harvesting of fruits and vegetables of every kind and other perishable commodities, as defined in regulations by the Secretary of Agriculture."

(2) The table of contents is amended by inserting after the item relating to section 209 the following new item:

"Sec. 210. Special agricultural workers."

(b) CONFORMING AMENDMENTS.—(1) Section 402(f) of the Social Security Act (as added by section 201(b)(1) of this Act) is amended—

(A) by inserting "and subsection (f) of section 210 of such Act" before the period at the end of paragraph (1);

(B) by inserting "or (f)" after "such subsection (h)" in paragraph (2); and

(C) by inserting "or 210" after "such section 245A" in paragraph (2).

(2) The last sentence of section 472(a) of such Act (as added by section 201(b)(2)(A) of this Act) is amended by inserting "or 210(f)" after "245A(h)".

# SEC. 303. DETERMINATIONS OF AGRICULTURAL LABOR SHORTAGES AND ADMISSION OF ADDITIONAL SPECIAL AGRICULTURAL WORKERS.

(a) IN GENERAL.—Chapter 1 of title II is amended by adding after section 210 (added by section 302 of this title) the following new section:

## "DETERMINATION OF AGRICULTURAL LABOR SHORTAGES AND ADMISSION OF ADDITIONAL SPECIAL AGRICULTURAL WORKERS

"SEC. 210A. (a) DETERMINATION OF NEED TO ADMIT ADDITIONAL SPECIAL AGRICULTURAL WORKERS.—

"(1) IN GENERAL.—Before the beginning of each fiscal year (beginning with fiscal year 1990 and ending with fiscal year 1993), the Secretaries of Labor and Agriculture (in this section referred to as the 'Secretaries') shall jointly determine the number (if any) of additional aliens who should be admitted to

the United States or who should otherwise acquire the status of aliens lawfully admitted for temporary residence under this section during the fiscal year to meet a shortage of workers to perform seasonal agricultural services in the United States during the year. Such number is, in this section, referred to as the 'shortage number'.

"(2) OVERALL DETERMINATION.—The shortage number is—

"(A) the anticipated need for special agricultural workers (as determined under paragraph (4)) for the fiscal year, minus

"(B) the supply of such workers (as determined under paragraph (5)) for that year,

divided by the factor (determined under paragraph (6)) for man-days per worker.

"(3) NO REPLENISHMENT IF NO SHORTAGE.—In determining the shortage number, the Secretaries may not determine that there is a shortage unless, after considering all of the criteria set forth in paragraphs (4) and (5), the Secretaries determine that there will not be sufficient able, willing, and qualified workers available to perform seasonal agricultural services required in the fiscal year involved.

"(4) DETERMINATION OF NEED.—For purposes of paragraph (2)(A), the anticipated need for special agricultural workers for a fiscal year is determined as follows:

"(A) BASE.—The Secretaries shall jointly estimate, using statistically valid methods, the number of man-days of labor performed in seasonal agricultural services in the United States in the previous fiscal year.

"(B) ADJUSTMENT FOR CROP LOSSES AND CHANGES IN INDUSTRY.—The Secretaries shall jointly—

"(i) increase such number by the number of man-days of labor in seasonal agricultural services in the United States that would have been needed in the previous fiscal year to avoid any crop damage or other loss that resulted from the unavailability of labor, and

"(ii) adjust such number to take into account the projected growth or contraction in the requirements for seasonal agricultural services as a result of—

"(I) growth or contraction in the seasonal agriculture industry, and

"(II) the use of technologies and personnel practices that affect the need for, and retention of, workers to perform such services.

"(5) DETERMINATION OF SUPPLY.—For purposes of paragraph (2)(B), the anticipated supply of special agricultural workers for a fiscal year is determined as follows:

"(A) BASE.—The Secretaries shall use the number estimated under paragraph (4)(A).

"(B) ADJUSTMENT FOR RETIREMENTS AND INCREASED RECRUITMENT.—The Secretaries shall jointly—

"(i) decrease such number by the number of man-days of labor in seasonal agricultural services in the United States that will be lost due to retirement and movement of workers out of performance of seasonal agricultural services, and

"(ii) increase such number by the number of additional man-days of labor in seasonal agricultural services in the United States that can reasonably be ex-

pected to result from the availability of able, willing, qualified, and unemployed special agricultural workers, rural low skill, or manual, laborers, and domestic agricultural workers.

“(C) BASES FOR INCREASED NUMBER.—In making the adjustment under subparagraph (B)(ii), the Secretaries shall consider—

“(i) the effect, if any, that improvements in wages and working conditions offered by employers will have on the availability of workers to perform seasonal agricultural services, taking into account the adverse effect, if any, of such improvements in wages and working conditions on the economic competitiveness of the perishable agricultural industry,

“(ii) the effect, if any, of enhanced recruitment efforts by the employers of such workers and government employment services in the traditional and expected areas of supply of such workers, and

“(iii) the number of able, willing and qualified individuals who apply for employment opportunities in seasonal agricultural services listed with offices of government employment services.

“(D) CONSTRUCTION.—Nothing in this subsection shall be deemed to require any individual employer to pay any specified level of wages, to provide any specified working conditions, or to provide for any specified recruitment of workers.

“(6) DETERMINATION OF MAN-DAY PER WORKER FACTOR.—

“(A) FISCAL YEAR 1990.—For fiscal year 1990—

“(i) IN GENERAL.—Subject to clause (ii), for purposes of paragraph (2) the factor under this paragraph is the average number, as estimated by the Director of the Bureau of the Census under subsection (b)(3)(A)(ii), of man-days of seasonal agricultural services performed in the United States in fiscal year 1989 by special agricultural workers whose status is adjusted under section 210 and who performed seasonal agricultural services in the United States at any time during the fiscal year.

“(ii) LACK OF ADEQUATE INFORMATION.—If the Director determines that—

“(I) the information reported under subsection (b)(2)(A) is not adequate to make a reasonable estimate of the average number described in clause (i), but

“(II) the inadequacy of the information is not due to the refusal or failure of employers to report the information required under subsection (b)(2)(A),

the factor under this paragraph is 90.

“(B) FISCAL YEAR 1991.—For purposes of paragraph (2) for fiscal year 1991, the factor under this paragraph is the average number, as estimated by the Director of the Bureau of the Census under subsection (b)(3)(A)(ii), of man-days of seasonal agricultural services performed in the United States in fiscal year 1990 by special agricultural workers who obtained lawful temporary resident status under this section.

“(C) FISCAL YEARS 1992 AND 1993.—For purposes of paragraph (2) for fiscal years 1992 and 1993, the factor under

this paragraph is the average number, as estimated by the Director of the Bureau of the Census under subsection (b)(3)(A)(ii), of man-days of seasonal agricultural services performed in the United States in each of the two previous fiscal years by special agricultural workers who obtained lawful temporary resident status under this section during either of such fiscal years.

**"(7) EMERGENCY PROCEDURE FOR INCREASE IN SHORTAGE NUMBER.—**

**"(A) REQUESTS.—**After the beginning of a fiscal year, a group or association representing employers (and potential employers) of individuals who perform seasonal agricultural services may request the Secretaries to increase the shortage number for the fiscal year based upon a showing that extraordinary, unusual, and unforeseen circumstances have resulted in a significant increase in the shortage number due to (i) a significant increase in the need for special agricultural workers in the year, (ii) a significant decrease in the availability of able, willing, and qualified workers to perform seasonal agricultural services, or (iii) a significant decrease (below the factor used for purposes of paragraph (6)) in the number of man-days of seasonal agricultural services performed by aliens who were recently admitted (or whose status was recently adjusted) under this section.

**"(B) NOTICE OF EMERGENCY PROCEDURE.—**Not later than 3 days after the date the Secretaries receive a request under subparagraph (A), the Secretaries shall provide for notice in the Federal Register of the substance of the request and shall provide an opportunity for interested parties to submit information to the Secretaries on a timely basis respecting the request.

**"(C) PROMPT DETERMINATION ON REQUEST.—**The Secretaries, not later than 21 days after the date of the receipt of such a request and after consideration of any information submitted on a timely basis with respect to the request, shall make and publish in the Federal Register their determination on the request. The request shall be granted, and the shortage number for the fiscal year shall be increased, to the extent that the Secretaries determine that such an increase is justified based upon the showing and circumstances described in subparagraph (A) and that such an increase takes into account reasonable recruitment efforts having been undertaken.

**"(8) PROCEDURE FOR DECREASING MAN-DAYS OF SEASONAL AGRICULTURAL SERVICES REQUIRED IN THE CASE OF OVER-SUPPLY OF WORKERS.—**

**"(A) REQUESTS.—**After the beginning of a fiscal year, a group of special agricultural workers may request the Secretaries to decrease the number of man-days required under subparagraphs (A) and (B) of subsection (d)(2) with respect to the fiscal year based upon a showing that extraordinary, unusual, and unforeseen circumstances have resulted in a significant decrease in the shortage number due to (i) a significant decrease in the need for special agricultural workers in the year, (ii) a significant increase in the availability of able, willing, and qualified workers to

perform seasonal agricultural services, or (iii) a significant increase (above the factor used for purposes of paragraph (6)) in the number of man-days of seasonal agricultural services performed by aliens who were recently admitted (or whose status was recently adjusted) under this section.

"(B) NOTICE OF REQUEST.—Not later than 3 days after the date the Secretaries receive a request under subparagraph (A), the Secretaries shall provide for notice in the Federal Register of the substance of the request and shall provide an opportunity for interested parties to submit information to the Secretaries on a timely basis respecting the request.

"(C) DETERMINATION ON REQUEST.—The Secretaries, before the end of the fiscal year involved and after consideration of any information submitted on a timely basis with respect to the request, shall make and publish in the Federal Register their determination on the request. The request shall be granted, and the number of man-days specified in subparagraphs (A) and (B) of subsection (d)(2) for the fiscal year shall be reduced by the same proportion as the Secretaries determine that a decrease in the shortage number is justified based upon the showing and circumstances described in subparagraph (A).

**"(b) ANNUAL NUMERICAL LIMITATION ON ADMISSION OF ADDITIONAL SPECIAL AGRICULTURAL WORKERS.—**

**"(1) ANNUAL NUMERICAL LIMITATION.—**

"(A) FISCAL YEAR 1990.—The numerical limitation on the number of aliens who may be admitted under subsection (c)(1) or who otherwise may acquire lawful temporary residence under such subsection for fiscal year 1990 is—

"(i) 95 percent of the number of individuals whose status was adjusted under section 210(a), minus

"(ii) the number estimated under paragraph (3)(A)(i) for fiscal year 1989 (as adjusted in accordance with subparagraph (C)).

"(B) FISCAL YEARS 1991, 1992, AND 1993.—The numerical limitation on the number of aliens who may be admitted under subsection (c)(1) or who otherwise may acquire lawful temporary residence under such subsection for fiscal year 1991, 1992, or 1993 is—

"(i) 90 percent of the number described in this clause for the previous fiscal year (or, for fiscal year 1991, the number described in subparagraph (A)(i)), minus

"(ii) the number estimated under paragraph (3)(A)(i) for the previous fiscal year (as adjusted in accordance with subparagraph (C)).

"(C) ADJUSTMENT TO TAKE INTO ACCOUNT CHANGE IN NUMBER OF H-2 AGRICULTURAL WORKERS.—The number used under subparagraph (A)(ii) or (B)(ii) (as the case may be) shall be increased or decreased to reflect any numerical increase or decrease, respectively, in the number of aliens admitted to perform temporary seasonal agricultural services (as defined in subsection (g)(2)) under section 101(a)(15)(H)(ii)(a) in the fiscal year compared to such number in the previous fiscal year.

"(2) REPORTING OF INFORMATION ON EMPLOYMENT.—In the case of a person or entity who employs, during a fiscal year (begin-

ning with fiscal year 1989 and ending with fiscal year 1992) in seasonal agricultural services, a special agricultural worker—

“(A) whose status was adjusted under section 210, the person or entity shall furnish an official designated by the Secretaries with a certificate (at such time, in such form, and containing such information as the Secretaries establish, after consultation with the Attorney General and the Director of the Bureau of the Census) of the number of man-days of employment performed by the alien in seasonal agricultural services during the fiscal year, or

“(B) who was admitted or whose status was adjusted under this section, the person or entity shall furnish the alien and an official designated by the Secretaries with a certificate (at such time, in such form, and containing such information as the Secretaries establish, after consultation with the Attorney General and the Director of the Bureau of the Census) of the number of man-days of employment performed by the alien in seasonal agricultural services during the fiscal year.

“(3) ANNUAL ESTIMATE OF EMPLOYMENT OF SPECIAL AGRICULTURAL WORKERS.—

“(A) IN GENERAL.—The Director of the Bureau of the Census shall, before the end of each fiscal year (beginning with fiscal year 1989 and ending with fiscal year 1992), estimate—

“(i) the number of special agricultural workers who have performed seasonal agricultural services in the United States at any time during the fiscal year, and

“(ii) for purposes of subsection (a)(5), the average number of man-days of such services certain of such workers have performed in the United States during the fiscal year.

“(B) FURNISHING OF INFORMATION TO DIRECTOR.—The official designated by the Secretaries under paragraph (2) shall furnish to the Director, in such form and manner as the Director specifies, information contained in the certifications furnished to the official under paragraph (2).

“(C) BASIS FOR ESTIMATES.—The Director shall base the estimates under subparagraph (A) on the information furnished under subparagraph (B), but shall take into account (to the extent feasible) the underreporting or duplicate reporting of special agricultural workers who have performed seasonal agricultural services at any time during the fiscal year. The Director shall periodically conduct appropriate surveys, of agricultural employers and others, to ascertain the extent of such underreporting or duplicate reporting.

“(D) REPORT.—The Director shall annually prepare and report to the Congress information on the estimates made under this paragraph.

“(c) ADMISSION OF ADDITIONAL SPECIAL AGRICULTURAL WORKERS.—

“(1) IN GENERAL.—For each fiscal year (beginning with fiscal year 1990 and ending with fiscal year 1993), the Attorney General shall provide for the admission for lawful temporary resident status, or for the adjustment of status to lawful temporary resident status, of a number of aliens equal to the shortage number (if any, determined under subsection (a)) for

the fiscal year, or, if less, the numerical limitation established under subsection (b)(1) for the fiscal year. No such alien shall be admitted who is not admissible to the United States as an immigrant, except as otherwise provided under subsection (e).

"(2) ALLOCATION OF VISAS.—The Attorney General shall, in consultation with the Secretary of State, provide such process as may be appropriate for aliens to petition for immigrant visas or to adjust status to become aliens lawfully admitted for temporary residence under this subsection. No alien may be issued a visa as an alien to be admitted under this subsection or may have the alien's status adjusted under this subsection unless the alien has had a petition approved under this paragraph.

"(d) RIGHTS OF ALIENS ADMITTED OR ADJUSTED UNDER THIS SECTION.—

"(1) ADJUSTMENT TO PERMANENT RESIDENCE.—The Attorney General shall adjust the status of any alien provided lawful temporary resident status under subsection (c) to that of an alien lawfully admitted for permanent residence at the end of the 3-year period that begins on the date the alien was granted such temporary resident status.

"(2) TERMINATION OF TEMPORARY RESIDENCE.—During the period of temporary resident status granted an alien under subsection (c), the Attorney General may terminate such status only upon a determination under this Act that the alien is deportable.

"(3) AUTHORIZED TRAVEL AND EMPLOYMENT DURING TEMPORARY RESIDENCE.—During the period an alien is in lawful temporary resident status granted under this section, the alien has the right to travel abroad (including commutation from a residence abroad) and shall be granted authorization to engage in employment in the United States and shall be provided an 'employment authorized' endorsement or other appropriate work permit, in the same manner as for aliens lawfully admitted for permanent residence.

"(4) IN GENERAL.—Except as otherwise provided in this subsection, an alien who acquires the status of an alien lawfully admitted for temporary residence under subsection (c), such status not having changed, is considered to be an alien lawfully admitted for permanent residence (as described in section 101(a)(20)), other than under any provision of the immigration laws.

"(5) EMPLOYMENT IN SEASONAL AGRICULTURAL SERVICES REQUIRED.—

"(A) FOR 3 YEARS TO AVOID DEPORTATION.—In order to meet the requirement of this paragraph (for purposes of this subsection and section 241(a)(20)), an alien, who has obtained the status of an alien lawfully admitted for temporary residence under this section, must establish to the Attorney General that the alien has performed 90 man-days of seasonal agricultural services—

"(i) during the one-year period beginning on the date the alien obtained such status,

"(ii) during the one-year period beginning one year after the date the alien obtained such status, and

"(iii) during the one-year period beginning two years after the date the alien obtained such status.

"(B) FOR 5 YEARS FOR NATURALIZATION.—Notwithstanding any provision in title III, an alien admitted under this section may not be naturalized as a citizen of the United States under that title unless the alien has performed 90 man-days of seasonal agricultural services in each of 5 fiscal years (not including any fiscal year before the fiscal year in which the alien was admitted under this section).

"(C) PROOF.—In meeting the requirements of subparagraphs (A) and (B), an alien may submit such documentation as may be submitted under section 210(b)(3).

"(D) ADJUSTMENT OF NUMBER OF MAN-DAYS REQUIRED.—The number of man-days specified in subparagraphs (A) and (B) are subject to adjustment under subsection (a)(8).

"(6) DISQUALIFICATION FROM CERTAIN PUBLIC ASSISTANCE.—The provisions of section 245A(h) (other than paragraph (1)(A)(iii)) shall apply to an alien who has obtained the status of an alien lawfully admitted for temporary residence under this section, during the five-year period beginning on the date the alien obtained such status, in the same manner as they apply to an alien granted lawful temporary residence under section 245A; except that, for purposes of this paragraph, assistance furnished under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) or under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.) shall not be construed to be financial assistance described in section 245A(h)(1)(A)(i).

"(e) DETERMINATION OF ADMISSIBILITY OF ADDITIONAL WORKERS.—In the determination of an alien's admissibility under subsection (c)(1)—

"(1) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (14), (20), (21), (25), and (32) of section 212(a) shall not apply.

"(2) WAIVER OF CERTAIN GROUNDS FOR EXCLUSION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Attorney General may waive any other provision of section 212(a) in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

"(B) GROUNDS THAT MAY NOT BE WAIVED.—The following provisions of section 212(a) may not be waived by the Attorney General under subparagraph (A):

"(i) Paragraphs (9) and (10) (relating to criminals).

"(ii) Paragraph (23) (relating to drug offenses), except for so much of such paragraph as relates to a single offense of simple possession of 30 grams or less of marihuana.

"(iii) Paragraphs (27), (28), and (29) (relating to national security and members of certain organizations).

"(iv) Paragraph (33) (relating to those who assisted in the Nazi persecutions).

"(C) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for adjustment of status under this section due to being inadmissible under section 212(a)(15) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

"(3) MEDICAL EXAMINATION.—The alien shall be required, at the alien's expense, to undergo such a medical examination

(including a determination of immunization status) as is appropriate and conforms to generally accepted professional standards of medical practice.

**"(f) TERMS OF EMPLOYMENT RESPECTING ALIENS ADMITTED UNDER THIS SECTION.—**

**"(1) EQUAL TRANSPORTATION FOR DOMESTIC WORKERS.—**If a person employs an alien, who was admitted or whose status is adjusted under subsection (c), in the performance of seasonal agricultural services and provides transportation arrangements or assistance for such workers, the employer must provide the same transportation arrangements or assistance (generally comparable in expense and scope) for other individuals employed in the performance of seasonal agricultural services.

**"(2) PROHIBITION OF FALSE INFORMATION BY CERTAIN EMPLOYERS.—**A farm labor contractor, agricultural employer, or agricultural association who is an exempt person (as defined in paragraph (5)) shall not knowingly provide false or misleading information to an alien who was admitted or whose status was adjusted under subsection (c) concerning the terms, conditions, or existence of agricultural employment (described in subsection (a), (b), or (c) of section 301 of MASAWPA).

**"(3) PROHIBITION OF DISCRIMINATION BY CERTAIN EMPLOYERS.—**In the case of an exempt person and with respect to aliens who have been admitted or whose status has been adjusted under subsection (c), the provisions of section 505 of MASAWPA shall apply to any proceeding under or related to (and rights and protections afforded by) this section in the same manner as they apply to proceedings under or related to (and rights and protections afforded by) MASAWPA.

**"(4) ENFORCEMENT.—**If a person or entity—

**"(A)** fails to furnish a certificate required under subsection (b)(2) or furnishes false statement of a material fact in such a certificate,

**"(B)** violates paragraph (1) or (2), or

**"(C)** violates the provisions of section 505(a) of MASAWPA (as they apply under paragraph (3)), the person or entity is subject to a civil money penalty under section 503 of MASAWPA in the same manner as if the person or entity had committed a violation of MASAWPA.

**"(5) SPECIAL DEFINITIONS.—**In this subsection:

**"(A) MASAWPA.—**The term 'MASAWPA' means the Migrant and Seasonal Agricultural Worker Protection Act (Public Law 97-470).

**"(B)** The term 'exempt person' means a person or entity who would be subject to the provisions of MASAWPA but for paragraph (1) or (2), or both, of section 4(a) of MASAWPA.

**"(g) GENERAL DEFINITIONS.—**In this section:

**"(1)** The term 'special agricultural worker' means an individual, regardless of present status, whose status was at any time adjusted under section 210 or who at any time was admitted or had the individual's status adjusted under subsection (c).

**"(2)** The term 'seasonal agricultural services' has the meaning given such term in section 210(h).

**"(3)** The term 'Director' refers to the Director of the Bureau of the Census.

"(4) The term 'man-day' means, with respect to seasonal agricultural services, the performance during a calendar day of at least 4 hours of seasonal agricultural services."

(b) DEPORTATION OF CERTAIN WORKERS WHO FAIL TO PERFORM SEASONAL AGRICULTURAL SERVICES.—Section 241(a) (8 U.S.C. 1251(a)) is amended—

- (1) by striking out "or" at the end of paragraph (18),
- (2) by striking out the period at the end of paragraph (19) and inserting in lieu thereof "; or", and
- (3) by adding at the end the following new paragraph:  
 "(20) obtains the status of an alien who becomes lawfully admitted for temporary residence under section 210A and fails to meet the requirement of section 210A(d)(5)(A) by the end of the applicable period."

(c) APPLICATION OF CERTAIN STATE ASSISTANCE PROVISIONS.—For purposes of section 204 of this Act (relating to State legalization assistance), the term "eligible legalized alien" includes an alien who becomes an alien lawfully admitted for permanent or temporary residence under section 210 or 210A of the Immigration and Nationality Act, but only until the end of the 5-year period beginning on the date the alien was first granted permanent or temporary resident status.

(d) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 210 (as inserted by section 302) the following new item:

"Sec. 210A. Determination of agricultural labor shortages and admission of additional special agricultural workers."

(e) CONFORMING AMENDMENTS.—(1) Section 402(f) of the Social Security Act (as added by section 201(b)(1) of this Act and amended by section 302(b)(1) of this Act) is further amended—

(A) by striking out "and subsection (f) of section 210 of such Act" in paragraph (1) and inserting in lieu thereof ", subsection (f) of section 210 of such Act, and subsection (d)(7) of section 210A of such Act";

(B) by striking out "such subsection (h) or (f)" in paragraph (2) and inserting in lieu thereof "such subsection (h), (f), or (d)(7)"; and

(C) by striking out "such section 245A or 210" in paragraph (2) and inserting in lieu thereof "such section 245A, 210, or 210A".

(2) The last sentence of section 472(a) of such Act (as added by section 201(b)(2)(A) of this Act and amended by section 302(b)(2) of this Act) is further amended by striking out "245A(h) or 210(f)" and inserting in lieu thereof "245A(h), 210(f), or 210A(d)(7)".

#### SEC. 304. COMMISSION ON AGRICULTURAL WORKERS.

(a) ESTABLISHMENT AND COMPOSITION OF COMMISSION.—(1) There is established a Commission on Agricultural Workers (hereinafter in this section referred to as the "Commission"), to be composed of 12 members—

- (A) six to be appointed by the President,
- (B) three to be appointed by the Speaker of the House of Representatives, and
- (C) three to be appointed by the President pro tempore of the Senate.

(2) In making appointments under paragraph (1)(A), the President shall consult—

- (A) with the Attorney General in appointing two members,

(B) with the Secretary of Labor in appointing two members,  
and

(C) with the Secretary of Agriculture in appointing two members.

(3) A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(4) Members shall be appointed to serve for the life of the Commission.

(b) FUNCTIONS OF COMMISSION.—(1) The Commission shall review the following:

(A) The impact of the special agricultural worker provisions on the wages and working conditions of domestic farmworkers, on the adequacy of the supply of agricultural labor, and on the ability of agricultural workers to organize.

(B) The extent to which aliens who have obtained lawful permanent or temporary resident status under the special agricultural worker provisions continue to perform seasonal agricultural services and the requirement that aliens who become special agricultural workers under section 210A of the Immigration and Nationality Act perform 90 man-days of seasonal agricultural services for certain periods in order to avoid deportation or to become naturalized.

(C) The impact of the legalization program and the employers' sanctions on the supply of agricultural labor.

(D) The extent to which the agricultural industry relies on the employment of a temporary workforce.

(E) The adequacy of the supply of agricultural labor in the United States and whether this supply needs to be further supplemented with foreign labor and the appropriateness of the numerical limitation on additional special agricultural workers imposed under section 210A(b) of the Immigration and Nationality Act.

(F) The extent of unemployment and underemployment of farmworkers who are United States citizens or aliens lawfully admitted for permanent residence.

(G) The extent to which the problems of agricultural employers in securing labor are related to the lack of modern labor-management techniques in agriculture.

(H) Whether certain geographic regions need special programs or provisions to meet their unique needs for agricultural labor.

(I) Impact of the special agricultural worker provisions on the ability of crops harvested in the United States to compete in international markets.

(2) The Commission shall conduct an overall evaluation of the special agricultural worker provisions, including the process for determining whether or not an agricultural labor shortage exists.

(c) REPORT TO CONGRESS.—The Commission shall report to the Congress not later than five years after the date of the enactment of this Act on its reviews under subsection (b). The Commission shall include in its report recommendations for appropriate changes that should be made in the special agricultural worker provisions.

(d) COMPENSATION OF MEMBERS.—(1) Each member of the Commission who is not an officer or employee of the Federal Government is entitled to receive, subject to such amounts as are provided in advance in appropriations Acts, the daily equivalent of the mini-

minimum annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including traveltime) during which the member is engaged in the actual performance of duties of the Commission. Each member of the Commission who is such an officer or employee shall serve without additional pay.

(2) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence.

(e) MEETINGS OF COMMISSION.—(1) Five members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(2) The Chairman and the Vice Chairman of the Commission shall be elected by the members of the Commission for the life of the Commission.

(3) The Commission shall meet at the call of the Chairman or a majority of its members.

(f) STAFF.—(1) The Chairman, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other additional personnel as may be necessary to enable the Commission to carry out its functions, without regard to the laws, rules, and regulations governing appointment in the competitive service. Any Federal employee subject to those laws, rules, and regulations may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(2) The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the minimum annual rate of basic pay payable for GS-18 of the General Schedule.

(g) AUTHORITY OF COMMISSION.—(1) The Commission may for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers appropriate.

(2) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairman, the head of such department or agency shall furnish such information to the Commission.

(3) The Commission may accept, use, and dispose of gifts or donations of services or property.

(4) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(5) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(h) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

(2) Notwithstanding any other provision of this section, the authority to make payments, or to enter into contracts, under this section shall be effective only to such extent, or in such amounts, as are provided in advance in appropriations Acts.

(i) **TERMINATION DATE.**—The Commission shall cease to exist at the end of the 63-month period beginning with the month after the month in which this Act is enacted.

(j) **DEFINITIONS.**—In this section:

(1) The term “employer sanctions” means the provisions of section 274A of the Immigration and Nationality Act.

(2) The term “legalization program” refers to the provisions of section 245A of the Immigration and Nationality Act.

(3) The term “seasonal agricultural services” has the meaning given such term in section 210(h) of the Immigration and Nationality Act.

(4) The term “special agricultural worker provisions” refers to sections 210 and 210A of the Immigration and Nationality Act.

**SEC. 305. ELIGIBILITY OF H-2 AGRICULTURAL WORKERS FOR CERTAIN LEGAL ASSISTANCE.**

A nonimmigrant worker admitted to or permitted to remain in the United States under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) for agricultural labor or service shall be considered to be an alien described in section 101(a)(20) of such Act (8 U.S.C. 1101(a)(20)) for purposes of establishing eligibility for legal assistance under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.), but only with respect to legal assistance on matters relating to wages, housing, transportation, and other employment rights as provided in the worker's specific contract under which the nonimmigrant was admitted.

**PART B—OTHER CHANGES IN THE IMMIGRATION LAW**

**SEC. 311. CHANGE IN COLONIAL QUOTA.**

(a) **INCREASE TO 5,000.**—(1) Section 202(c) (8 U.S.C. 1152(c)) is amended by striking out “six hundred” and inserting in lieu thereof “5,000”.

(2) Section 202(e) (8 U.S.C. 1152(e)) is amended by striking out “600” and inserting in lieu thereof “5,000”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply to fiscal years beginning after the date of the enactment of this Act.

**SEC. 312. G-IV SPECIAL IMMIGRANTS.**

(a) **SPECIAL IMMIGRANT STATUS FOR CERTAIN OFFICERS AND EMPLOYEES OF INTERNATIONAL ORGANIZATIONS AND THEIR IMMEDIATE FAMILY MEMBERS.**—Section 101(a)(27) (8 U.S.C. 1101(a)(27)) is amended by striking out “or” at the end of subparagraph (G), by striking out the period at the end of subparagraph (H) and inserting in lieu thereof “; or”, and by adding at the end of the following new subparagraph:

“(I)(i) an immigrant who is the unmarried son or daughter of an officer or employee, or of a former officer or employee, of an international organization described in paragraph (15)(G)(i), and who (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv) or paragraph (15)(N), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least seven years between the ages of five and 21 years, and (II)

applies for admission under this subparagraph no later than his twenty-fifth birthday or six months after the date this subparagraph is enacted, whichever is later;

"(ii) an immigrant who is the surviving spouse of a deceased officer or employee of such an international organization, and who (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv) or paragraph (15)(N), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least 15 years before the date of the death of such officer or employee, and (II) applies for admission under this subparagraph no later than six months after the date of such death or six months after the date this subparagraph is enacted, whichever is later;

"(iii) an immigrant who is a retired officer or employee of such an international organization, and who (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least 15 years before the date of the officer or employee's retirement from any such international organization, and (II) applies for admission under this subparagraph before January 1, 1993, and no later than six months after the date of such retirement or six months after the date this subparagraph is enacted, whichever is later; or

"(iv) an immigrant who is the spouse of a retired officer or employee accorded the status of special immigrant under clause (iii), accompanying or following to join such retired officer or employee as a member of his immediate family."

(b) **NONIMMIGRANT STATUS FOR CERTAIN PARENTS AND CHILDREN OF ALIENS GIVEN SPECIAL IMMIGRANT STATUS.**—Section 101(a)(15) (8 U.S.C. 1101(a)(15)) is amended by striking out "or" at the end of subparagraph (L), by striking out the period at the end of subparagraph (M) and inserting in lieu thereof "; or", and by adding at the end the following new paragraph:

"(N)(i) the parent of an alien accorded the status of special immigrant under paragraph (27)(I)(i), but only if and while the alien is a child, or

"(ii) a child of such parent or of an alien accorded the status of a special immigrant under clause (ii), (iii), or (iv) of paragraph (27)(I)."

#### SEC. 313. VISA WAIVER PILOT PROGRAM FOR CERTAIN VISITORS.

(a) **ESTABLISHING VISA WAIVER PILOT PROGRAM.**—Chapter 2 of title II, as amended by section 301(c), is further amended by adding after section 216 the following new section:

##### "VISA WAIVER PILOT PROGRAM FOR CERTAIN VISITORS

"SEC. 217. (a) **ESTABLISHMENT OF PILOT PROGRAM.**—The Attorney General and the Secretary of State are authorized to establish a pilot program (hereafter in this section referred to as the 'pilot program') under which the requirement of paragraph (26)(B) of section 212(a) may be waived by the Attorney General and the

Secretary of State, acting jointly and in accordance with this section, in the case of an alien who meets the following requirements:

"(1) SEEKING ENTRY AS TOURIST FOR 90 DAYS OR LESS.—The alien is applying for admission during the pilot program period (as defined in subsection (e)) as a nonimmigrant visitor (described in section 101(a)(15)(B)) for a period not exceeding 90 days.

"(2) NATIONAL OF PILOT PROGRAM COUNTRY.—The alien is a national of a country which—

"(A) extends (or agrees to extend) reciprocal privileges to citizens and nationals of the United States, and

"(B) is designated as a pilot program country under subsection (c).

"(3) EXECUTES ENTRY CONTROL AND WAIVER FORMS.—The alien before the time of such admission—

"(A) completes such immigration form as the Attorney General shall establish under subsection (b)(3), and

"(B) executes a waiver of review and appeal described in subsection (b)(4).

"(4) ROUND-TRIP TICKET.—The alien has a round-trip, nontransferable transportation ticket which—

"(A) is valid for a period of not less than one year,

"(B) is nonrefundable except in the country in which issued or in the country of the alien's nationality or residence,

"(C) is issued by a carrier which has entered into an agreement described in subsection (d), and

"(D) guarantees transport of the alien out of the United States at the end of the alien's visit.

"(5) NOT A SAFETY THREAT.—The alien has been determined not to represent a threat to the welfare, health, safety, or security of the United States.

"(6) NO PREVIOUS VIOLATION.—If the alien previously was admitted without a visa under this section, the alien must not have failed to comply with the conditions of any previous admission as such a nonimmigrant.

"(b) CONDITIONS BEFORE PILOT PROGRAM CAN BE PUT INTO OPERATION.—

"(1) PRIOR NOTICE TO CONGRESS.—The pilot program may not be put into operation until the end of the 30-day period beginning on the date that the Attorney General submits to the Congress a certification that the screening and monitoring system described in paragraph (2) is operational and effective and that the form described in paragraph (3) has been produced.

"(2) AUTOMATED DATA ARRIVAL AND DEPARTURE SYSTEM.—The Attorney General in cooperation with the Secretary of State shall develop and establish an automated data arrival and departure control system to screen and monitor the arrival into and departure from the United States of nonimmigrant visitors receiving a visa waiver under the pilot program.

"(3) VISA WAIVER INFORMATION FORM.—The Attorney General shall develop a form for use under the pilot program. Such form shall be consistent and compatible with the control system developed under paragraph (2). Such form shall provide for, among other items—

"(A) a summary description of the conditions for excluding nonimmigrant visitors from the United States under section 212(a) and under the pilot program,

"(B) a description of the conditions of entry with a waiver under the pilot program, including the limitation of such entry to 90 days and the consequences of failure to abide by such conditions, and

"(C) questions for the alien to answer concerning any previous denial of the alien's application for a visa.

"(4) **WAIVER OF RIGHTS.**—An alien may not be provided a waiver under the pilot program unless the alien has waived any right—

"(A) to review or appeal under this Act of an immigration officer's determination as to the admissibility of the alien at the port of entry into the United States, or

"(B) to contest, other than on the basis of an application for asylum, any action for deportation against the alien.

"(c) **DESIGNATION OF PILOT PROGRAM COUNTRIES.**—

"(1) **UP TO 8 COUNTRIES.**—The Attorney General and the Secretary of State acting jointly may designate up to eight countries as pilot program countries for purposes of the pilot program.

"(2) **INITIAL QUALIFICATIONS.**—For the initial period described in paragraph (4), a country may not be designated as a pilot program country unless the following requirements are met:

"(A) **LOW NONIMMIGRANT VISA REFUSAL RATE FOR PREVIOUS 2-YEAR PERIOD.**—The average number of refusals of nonimmigrant visitor visas for nationals of that country during the two previous full fiscal years was less than 2.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years.

"(B) **LOW NONIMMIGRANT VISA REFUSAL RATE FOR EACH OF 2 PREVIOUS YEARS.**—The average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 2.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

"(3) **CONTINUING AND SUBSEQUENT QUALIFICATIONS.**—For each fiscal year (within the pilot program period) after the initial period—

"(A) **CONTINUING QUALIFICATION.**—In the case of a country which was a pilot program country in the previous fiscal year, a country may not be designated as a pilot program country unless the sum of—

"(i) the total of the number of nationals of that country who were excluded from admission or withdrew their application for admission during such previous fiscal year as a nonimmigrant visitor, and

"(ii) the total number of nationals of that country who were admitted as nonimmigrant visitors during such previous fiscal year and who violated the terms of such admission,

was less than 2 percent of the total number of nationals of that country who applied for admission as nonimmigrant visitors during such previous fiscal year.

"(B) NEW COUNTRIES.—In the case of another country, the country may not be designated as a pilot program country unless the following requirements are met:

"(i) LOW NONIMMIGRANT VISA REFUSAL RATE IN PREVIOUS 2-YEAR PERIOD.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during the two previous full fiscal years was less than 2 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years.

"(ii) LOW NONIMMIGRANT VISA REFUSAL RATE IN EACH OF THE 2 PREVIOUS YEARS.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 2.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

"(4) INITIAL PERIOD.—For purposes of paragraphs (2) and (3), the term 'initial period' means the period beginning at the end of the 30-day period described in subsection (b)(1) and ending on the last day of the first fiscal year which begins after such 30-day period.

"(d) CARRIER AGREEMENTS.—

"(1) IN GENERAL.—The agreement referred to in subsection (a)(4)(C) is an agreement between a carrier and the Attorney General under which the carrier agrees, in consideration of the waiver of the visa requirement with respect to a nonimmigrant visitor under the pilot program—

"(A) to indemnify the United States against any costs for the transportation of the alien from the United States if the visitor is refused admission to the United States or remains in the United States unlawfully after the 90-day period described in subsection (a)(1)(A), and

"(B) to submit daily to immigration officers any immigration forms received with respect to nonimmigrant visitors provided a waiver under the pilot program.

"(2) TERMINATION OF AGREEMENTS.—The Attorney General may terminate an agreement under paragraph (1) with five days' notice to the carrier for the carrier's failure to meet the terms of such agreement.

"(e) DEFINITION OF PILOT PROGRAM PERIOD.—For purposes of this section, the term 'pilot program period' means the period beginning at the end of the 30-day period referred to in subsection (b)(1) and ending on the last day of the third fiscal year which begins after such 30-day period."

(b) LIMITATION ON STAY IN UNITED STATES.—Section 214(a) (8 U.S.C. 1184(a)) is amended by adding at the end the following new sentence: "No alien admitted to the United States without a visa pursuant to section 217 may be authorized to remain in the United States as a nonimmigrant visitor for a period exceeding 90 days from the date of admission."

(c) PROHIBITION OF ADJUSTMENT TO IMMIGRANT STATUS.—Section 245(c) (8 U.S.C. 1255(c)), as amended by section 312(b), is further amended by striking out "or" before "(4)" and by inserting before the period at the end the following: "; or (5) an alien (other than an immediate relative as defined in section 201(b)) who was admitted as

a nonimmigrant visitor without a visa under section 212(l) or section 217”.

(d) **PROHIBITION OF ADJUSTMENT OF NONIMMIGRANT STATUS.**—Section 248 (8 U.S.C. 1258) is amended by striking out “and” at the end of paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof “, and” and by adding at the end thereof the following new paragraph:

“(4) an alien admitted as a nonimmigrant visitor without a visa under section 212(l) or section 217.”.

(e) **CONFORMING AMENDMENT TO TABLE OF CONTENTS.**—The table of contents is amended by adding after the item relating to section 216 the following new item:

“Sec. 217 Visa waiver pilot program for certain visitors.”.

**SEC. 314. MAKING VISAS AVAILABLE TO NONPREFERENCE IMMIGRANTS.**

(a) **AUTHORIZATION OF ADDITIONAL VISAS.**—Notwithstanding the numerical limitations in section 201(a) of the Immigration and Nationality Act (8 U.S.C. 1151(a)), but subject to the numerical limitations in section 202 of such Act, there shall be made available to qualified immigrants described in section 203(a)(7) of such Act 5,000 visa numbers in each of fiscal years 1987 and 1988.

(b) **DISTRIBUTION OF VISA NUMBERS.**—The Secretary of State shall provide for making visa numbers provided under subsection (a) available in the same manner as visa numbers are otherwise made available to qualified immigrants under section 203(a)(7) of the Immigration and Nationality Act, except that—

(1) the Secretary shall first make such visa numbers available to qualified immigrants who are natives of foreign states the immigration of whose natives to the United States was adversely affected by the enactment of Public Law 89-236, and

(2) within groups of qualified immigrants, such visa numbers shall be made available strictly in the chronological order in which they qualify after the date of the enactment of this Act.

(c) **WAIVER OF LABOR CERTIFICATION.**—Section 212(a)(14) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(14)) shall not apply in the determination of an immigrant’s eligibility to receive any visa made available under this section or in the admission of such an immigrant issued such a visa under this section.

(d) **APPLICATION OF DEFINITIONS OF IMMIGRATION AND NATIONALITY ACT.**—Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing in this section shall be held to repeal, amend, alter, modify, affect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization.

**SEC. 315. MISCELLANEOUS PROVISIONS.**

(a) **EQUAL TREATMENT OF FATHERS.**—Section 101(b)(1)(D) (8 U.S.C. 1101(b)(1)(D)) is amended by inserting “or to its natural father if the father has or had a bona fide parent-child relationship with the person” after “natural mother”.

(b) **SUSPENSION OF DEPORTATION FOR CERTAIN ALIENS.**—Section 244(b) (8 U.S.C. 1254(b)), as amended by section 312(c), is further amended by adding at the end the following new paragraph:

"(3) An alien shall not be considered to have failed to maintain continuous physical presence in the United States under paragraphs (1) and (2) of subsection (a) if the absence from the United States was brief, casual, and innocent and did not meaningfully interrupt the continuous physical presence."

(c) **SENSE OF CONGRESS RESPECTING TREATMENT OF CUBAN POLITICAL PRISONERS.**—It is the sense of the Congress that the Secretary of State should provide for the issuance of visas to nationals of Cuba who are or were imprisoned in Cuba for political activities without regard to section 243(g) of the Immigration and Nationality Act (8 U.S.C. 1253(g)).

(d) **DENIAL OF CREW MEMBER NONIMMIGRANT VISA IN CASES OF STRIKES.**—(1) Except as provided in paragraph (2), during the one-year period beginning on the date of the enactment of this Act, an alien may not be admitted to the United States as an alien crewman (under section 101(a)(15)(D) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(D)) for the purpose of performing service on board a vessel or aircraft at a time when there is a strike in the bargaining unit of the employer in which the alien intends to perform such service.

(2) Paragraph (1) shall not apply to an alien employee who was employed before the date of the strike concerned and who is seeking admission to enter the United States to continue to perform services as a crewman to the same extent and on the same routes as the alien performed such services before the date of the strike.

#### TITLE IV—REPORTS TO CONGRESS

##### SEC. 401. TRIENNIAL COMPREHENSIVE REPORT ON IMMIGRATION.

(a) **TRIENNIAL REPORT.**—The President shall transmit to the Congress, not later than January 1, 1989, and not later than January 1 of every third year thereafter, a comprehensive immigration-impact report.

(b) **DETAILS IN EACH REPORT.**—Each report shall include—

(1) the number and classification of aliens admitted (whether as immediate relatives, special immigrants, refugees, or under the preferences classifications, or as nonimmigrants), paroled, or granted asylum, during the relevant period;

(2) a reasonable estimate of the number of aliens who entered the United States during the period without visas or who became deportable during the period under section 241 of the Immigration and Nationality Act; and

(3) a description of the impact of admissions and other entries of immigrants, refugees, asylees, and parolees into the United States during the period on the economy, labor and housing markets, the educational system, social services, foreign policy, environmental quality and resources, the rate, size, and distribution of population growth in the United States, and the impact on specific States and local units of government of high rates of immigration resettlement.

(c) **HISTORY AND PROJECTIONS.**—The information (referred to in subsection (b)) contained in each report shall be—

(1) described for the preceding three-year period, and

(2) projected for the succeeding five-year period, based on reasonable estimates substantiated by the best available evidence.

(d) **RECOMMENDATIONS.**—The President also may include in such report any appropriate recommendations on changes in numerical limitations or other policies under title II of the Immigration and Nationality Act bearing on the admission and entry of such aliens to the United States.

**SEC. 402. REPORTS ON UNAUTHORIZED ALIEN EMPLOYMENT.**

The President shall transmit to Congress annual reports on the implementation of section 274A of the Immigration and Nationality Act (relating to unlawful employment of aliens) during the first three years after its implementation. Each report shall include—

- (1) an analysis of the adequacy of the employment verification system provided under subsection (b) of that section;
- (2) a description of the status of the development and implementation of changes in that system under subsection (d) of that section, including the results of any demonstration projects conducted under paragraph (4) of such subsection; and
- (3) an analysis of the impact of the enforcement of that section on—
  - (A) the employment, wages, and working conditions of United States workers and on the economy of the United States,
  - (B) the number of aliens entering the United States illegally or who fail to maintain legal status after entry, and
  - (C) the violation of terms and conditions of nonimmigrant visas by foreign visitors.

**SEC. 403. REPORTS ON H-2A PROGRAM.**

(a) **PRESIDENTIAL REPORTS.**—The President shall transmit to the Committees on the Judiciary of the Senate and of the House of Representatives reports on the implementation of the temporary agricultural worker (H-2A) program, which shall include—

- (1) the number of foreign workers permitted to be employed under the program in each year;
- (2) the compliance of employers and foreign workers with the terms and conditions of the program;
- (3) the impact of the program on the labor needs of the United States agricultural employers and on the wages and working conditions of United States agricultural workers; and
- (4) recommendations for modifications of the program, including—
  - (A) improving the timeliness of decisions regarding admission of temporary foreign workers under the program,
  - (B) removing any economic disincentives to hiring United States citizens or permanent resident aliens for jobs for which temporary foreign workers have been requested,
  - (C) improving cooperation among government agencies, employers, employer associations, workers, unions, and other worker associations to end the dependence of any industry on a constant supply of temporary foreign workers, and
  - (D) the relative benefits to domestic workers and burdens upon employers of a policy which requires employers, as a condition for certification under the program, to continue

to accept qualified United States workers for employment after the date the H-2A workers depart for work with the employer.

The recommendations under subparagraph (D) shall be made in furtherance of the congressional policy that aliens not be admitted under the H-2A program unless there are not sufficient workers in the United States who are able, willing, and qualified to perform the labor or services needed and that the employment of the alien in such labor or services will not adversely affect the wages and working conditions of workers in the United States similarly employed.

(b) **DEADLINES.**—A report on the H-2A temporary worker program under subsection (a) shall be submitted not later than two years after the date of the enactment of this Act, and every two years thereafter.

**SEC. 404. REPORTS ON LEGALIZATION PROGRAM.**

(a) **IN GENERAL.**—The President shall transmit to Congress two reports on the legalization program established under section 245A of the Immigration and Nationality Act.

(b) **INITIAL REPORT DESCRIBING LEGALIZED ALIENS.**—The first report, which shall be transmitted not later than 18 months after the end of the application period for adjustment to lawful temporary residence status under the program, shall include a description of the population whose status is legalized under the program, including—

- (1) geographical origins and manner of entry of these aliens into the United States,
- (2) their demographic characteristics, and
- (3) a general profile and characteristics.

(c) **SECOND REPORT ON IMPACT OF LEGALIZATION PROGRAM.**—The second report, which shall be transmitted not later than three years after the date of transmittal of the first report, shall include a description of—

- (1) the impact of the program on State and local governments and on public health and medical needs of individuals in the different regions of the United States,
- (2) the patterns of employment of the legalized population, and
- (3) the participation of legalized aliens in social service programs.

**SEC. 405. REPORT ON VISA WAIVER PILOT PROGRAM.**

(a) **MONITORING AND REPORT ON THE PILOT PROGRAM.**—The Attorney General and the Secretary of State shall jointly monitor the pilot program established under section 217 of the Immigration and Nationality Act and shall report to the Congress not later than two years after the beginning of the program.

(b) **DETAILS IN REPORT.**—The report shall include—

- (1) an evaluation of the program, including its impact—
  - (A) on the control of alien visitors to the United States,
  - (B) on consular operations in the countries designated under the program, as well as on consular operations in other countries in which additional consular personnel have been relocated as a result of the implementation of the program, and
  - (C) on the United States tourism industry; and

(2) recommendations—

- (A) on extending the pilot program period, and
- (B) on increasing the number of countries that may be designated under the program.

**SEC. 406. REPORT ON IMMIGRATION AND NATURALIZATION SERVICE.**

Not later than 90 days after the date of the enactment of this Act, the Attorney General shall prepare and transmit to the Congress a report describing the type of equipment, physical structures, and personnel resources required to improve the capabilities of the Immigration and Naturalization Service so that it can adequately carry out services and enforcement activities, including those required to carry out the amendments made by this Act.

**SEC. 407. SENSE OF THE CONGRESS.**

It is the sense of the Congress that the President of the United States should consult with the President of the Republic of Mexico within 90 days after enactment of this Act regarding the implementation of this Act and its possible effect on the United States or Mexico. After the consultation, it is the sense of the Congress that the President should report to the Congress any legislative or administrative changes that may be necessary as a result of the consultation and the enactment of this legislation.

**TITLE V—STATE ASSISTANCE FOR INCARCERATION COSTS OF ILLEGAL ALIENS AND CERTAIN CUBAN NATIONALS**

**SEC. 501. REIMBURSEMENT OF STATES FOR COSTS OF INCARCERATING ILLEGAL ALIENS AND CERTAIN CUBAN NATIONALS.**

(a) **REIMBURSEMENT OF STATES.**—Subject to the amounts provided in advance in appropriation Acts, the Attorney General shall reimburse a State for the costs incurred by the State for the imprisonment of any illegal alien or Cuban national who is convicted of a felony by such State.

(b) **ILLEGAL ALIENS CONVICTED OF A FELONY.**—An illegal alien referred to in subsection (a) is any alien who is any alien convicted of a felony who is in the United States unlawfully and—

(1) whose most recent entry into the United States was without inspection, or

(2) whose most recent admission to the United States was as a nonimmigrant and—

(A) whose period of authorized stay as a nonimmigrant expired, or

(B) whose unlawful status was known to the Government, before the date of the commission of the crime for which the alien is convicted.

(c) **MARIELITO CUBANE CONVICTED OF A FELONY.**—A Marielito Cuban convicted of a felony referred to in subsection (a) is a national of Cuba who—

(1) was allowed by the Attorney General to come to the United States in 1980,

(2) after such arrival committed any violation of State or local law for which a term of imprisonment was imposed, and

(3) at the time of such arrival and at the time of such violation was not an alien lawfully admitted to the United States—

(A) for permanent or temporary residence, or

(B) under the terms of an immigrant visa or a non-immigrant visa issued,  
under the laws of the United States.

(d) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section.

(e) STATE DEFINED.—The term "State" has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(36)).

## TITLE VI—COMMISSION FOR THE STUDY OF INTERNATIONAL MIGRATION AND COOPERATIVE ECONOMIC DEVELOPMENT

### SEC. 601. COMMISSION FOR THE STUDY OF INTERNATIONAL MIGRATION AND COOPERATIVE ECONOMIC DEVELOPMENT.

(a) ESTABLISHMENT AND COMPOSITION OF COMMISSION.—(1) There is established a Commission for the Study of International Migration and Cooperative Economic Development (in this section referred to as the "Commission"), to be composed of twelve members—

(A) three members to be appointed by the Speaker of the House of Representatives;

(B) three members to be appointed by the Minority Leader of the House of Representatives;

(C) three members to be appointed by the Majority Leader of the Senate; and

(D) three members to be appointed by the Minority Leader of the Senate.

(2) Members shall be appointed for the life of the Commission. Appointments to the Commission shall be made within 90 days after the date of the enactment of this Act. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(3) A majority of the members of the Commission shall elect a Chairman.

(b) DUTY OF COMMISSION.—The Commission, in consultation with the governments of Mexico and other sending countries in the Western Hemisphere, shall examine the conditions in Mexico and such other sending countries which contribute to unauthorized migration to the United States and mutually beneficial, reciprocal trade and investment programs to alleviate such conditions. For purposes of this section, the term "sending country" means a foreign country a substantial number of whose nationals migrate to, or remain in, the United States without authorization.

(c) REPORT TO THE PRESIDENT AND CONGRESS.—Not later than three years after the appointment of the members of the Commission, the Commission shall prepare and transmit to the President and to the Congress a report describing the results of the Commission's examination and recommending steps to provide mutually beneficial reciprocal trade and investment programs to alleviate conditions leading to unauthorized migration to the United States.

(d) COMPENSATION OF MEMBERS, MEETINGS, STAFF, AUTHORITY OF COMMISSION, AND AUTHORIZATION OF APPROPRIATIONS.—(1) The provisions of subsections (d), (e)(3), (f), (g), and (h) of section 304 shall apply to the Commission in the same manner as they apply to the Commission established under section 304.

(2) Seven members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(e) **TERMINATION DATE.**—The Commission shall terminate on the date on which a report is required to be transmitted by subsection (c), except that the Commission may continue to function for not more than thirty days thereafter for the purpose of concluding its activities.

**TITLE VII—FEDERAL RESPONSIBILITY FOR DEPORTABLE  
AND EXCLUDABLE ALIENS CONVICTED OF CRIMES**

**SEC. 701. EXPEDITIOUS DEPORTATION OF CONVICTED ALIENS.**

Section 242 (8 U.S.C. 1254) is amended by adding at the end the following new subsection:

“(i) In the case of an alien who is convicted of an offense which makes the alien subject to deportation, the Attorney General shall begin any deportation proceeding as expeditiously as possible after the date of the conviction.”.

**SEC. 702. IDENTIFICATION OF FACILITIES TO INCARCERATE DEPORTABLE  
OR EXCLUDABLE ALIENS.**

The President shall require the Secretary of Defense, in cooperation with the Attorney General and by not later than 60 days after the date of the enactment of this Act, to provide to the Attorney General a list of facilities of the Department of Defense that could be made available to the Bureau of Prisons for use in incarcerating aliens who are subject to exclusion or deportation from the United States.

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*



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**Friday  
May 1, 1987**

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## **Part XI**

### **Department of Justice**

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#### **Immigration and Naturalization Service**

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**8 CFR Parts 100, 103, 109, 210, 211, 212,  
234, 242, 245a, 264, 274a, 299**

**Implementation of the Immigration  
Reform and Control Act; Final Rules**

## DEPARTMENT OF JUSTICE

## Immigration and Naturalization

Sections 100, 103, 211, 212, 234, and 299

Number: 1020-87J

Regional Processing for Special Agricultural Worker and Legalization; Conforming Amendments,

Immigration and Naturalization Service.

Final rule.

This rule sets forth the amendments to existing regulations to be published elsewhere in the Federal Register. These provisions relate to the processing of applicants for lawful permanent resident status under the Special Agricultural Worker and Legalization programs, as authorized by the Immigration and Nationality Act of 1986, also known as the Simpson/Rodino bill. The rule sets forth the lines of jurisdiction and organization for the Regional Processing for Special Agricultural Worker and Legalization programs; sets procedures for applications, motions, and certifications for applications for adjustment of status under sections 210 and 245A of the Immigration and Nationality Act; sets forth the numbers and titles for Regional Processing Officers and special agricultural worker programs; establishes the requirements and procedures governing the travel of applicants and the entry into the United States of prospective applicants for legalization for special agricultural worker status; and provides for the designation of additional civil positions to accommodate the large number of applicants anticipated.

EFFECTIVE DATE: May 1, 1987.

FOR FURTHER INFORMATION CONTACT:

John S. Slattery, Assistant Regional Director, Legalization, (202) 786-

ADDITIONAL INFORMATION: On March 6, 1986, the Immigration and Nationality Act of 1986, Pub. L. 99-633, as enacted to provide the authority for certain aliens to apply for lawful permanent resident status in the United States, and, under certain circumstances, to subsequently apply for adjustment of status to permanent resident status. Section 100.2(c)(3)(vi) adds Legalization and Special Agricultural Worker programs falling under the direction of the Associate Commissioner for Regional Processing.

Section 100.4(f) is added to provide a list of legalization offices which have

been opened by the Service to accommodate applicants for the Legalization and Special Agricultural Worker Programs.

8 CFR 103.1(f)(1)(vi) is added to reflect that authority is delegated to the Associate Commissioner for Regional Processing for the general direction and supervision of the Assistant Regional Processing Officer, Legalization.

8 CFR 103.1(f)(2) is amended to reflect that the appellate jurisdiction of the Associate Commissioner, Examinations, is expanded to include decisions on applications for lawful temporary or permanent resident status under section 245A of the Act, applications for lawful temporary resident status under section 210 of the Act, termination of temporary resident status under section 210 or 245A of the Act, and applications for waiver of grounds of excludability under sections 210 and 245A of the Act.

Numerous comments were received concerning the appellate review authority resting with the Administrative Appeals Unit. Although the Administrative Appeals Unit will be the Service's designated appellate review authority, a separate branch within the Administrative Appeals Unit has been established to handle appeals under sections 210 and 245A of the Act.

8 CFR 103.1(n) is amended to provide that an application for temporary residence may be approved at a legalization office after a second interview, and that an application may be denied at a legalization office if the alien is clearly statutorily ineligible or admits fraud.

8 CFR 103.1(q) is amended to add Chief Legalization Officers, Supervisory Legalization Officers, Legalization Adjudicators, Legalization Officers and Legalization Assistants to those positions designated as "Immigration Officers."

8 CFR 103.1(t) is added establishing the authority and responsibilities of regional processing facility directors.

8 CFR 103.2(c) is added, providing specific language regarding procedures to follow for applications filed for Legalization and Special Agricultural Worker status. Language is included which expressly recognizes that designated entities are permitted to assist aliens in the preparation of applications for the Legalization and Special Agricultural Worker programs. Provisions are also made to require designated entities to have an alien's documented authorization to forward the application to the Service.

8 CFR 103.3(a)(2) provides procedures for issuing denials and processing appeals to denials of applications for Legalization and Special Agricultural

Worker status. The same procedures apply to cases where the lawful temporary resident status, granted under section 210 or 245A of the Act, is terminated.

8 CFR 103.4 is amended by providing that a Regional Processing Director may certify a decision to the Administrative Appeals Unit.

8 CFR 103.5 is amended by providing that the Regional Processing Facility director may *sua sponte* reopen and reconsider an appealed adverse decision, and establishing time frames during which any new decision must be served on the appealing party. The Associate Commissioner, Examinations, or the Chief, Administrative Appeals Unit, may *sua sponte* reopen any proceeding conducted and reconsider any decision rendered by that Unit. No motion to reopen a proceeding or reconsider a decision shall be considered.

8 CFR 103.7(b)(1) is amended to include applications relating to Legalization and Special Agricultural Worker status, and respective fees that will be charged for each application. The cost of the legalization program is to be self funding through application fees. If the revenue collected through the Form I-687 application fee is not sufficient to cover the costs of the legalization program, an additional fee would be charged to file Form I-698.

Numerous comments were received concerning the fee schedule. Of the total 418 comments received, 247 were supportive of the fees proposed. After careful review and consideration, the Service will retain the fee schedule as published in the March 19, 1987 Federal Register.

8 CFR 211.1(d) establishes documentary requirements for aliens granted lawful temporary resident status under sections 210 and 245A of the Act and prescribes the authorized length of temporary absences abroad while in such status.

8 CFR 211.5 adds language to permit aliens granted lawful temporary resident status under section 210 of the Act to reside in foreign contiguous territory and commute to employment in the United States.

8 CFR 212.5(b) provides for denial of parole for certain aliens seeking admission into the United States for the sole purpose of applying for adjustment of status under the Legalization and Special Agricultural Worker Programs.

8 CFR 212.5(d)(2) provides that an alien granted parole into the United States after November 6, 1986 for any purpose other than applying for adjustment of status under the

Legalization program shall not be permitted to apply for Legalization.

8 CFR 234.2(b) is amended to include local, county and state health departments' civil surgeons qualified to perform physical and mental examinations of applicants for benefits under the Act and allows the district director, as needed, to authorize physicians meeting the criteria established in 8 CFR Part 234 to perform the aforementioned examinations to designate physicians with less than 4 years professional experience under unusual circumstances.

8 CFR 242.21(b) is added to limit the appeal to a finding of deportability in specific cases where the alien failed to file an application for temporary resident status under section 210 or 245A of the Act within a defined thirty day period.

8 CFR 264.1 is amended to include documents relating to the Legalization and Special Agricultural Worker programs as registration forms and evidence of registration. Additionally, specific procedures are outlined for processing applications for replacement of Form I-688, Temporary Resident Card.

8 CFR 299.1 is amended to include forms to be used in the Legalization and Special Agricultural Worker programs.

In accordance with 5 U.S.C. 605(b), the Commissioner certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule is not a major rule within the definition of section 1(b) of EO 12291.

The information collection requirements contained in this regulation have been cleared by OMB under the Paperwork Reduction Act.

#### List of Subjects

##### 8 CFR Part 100

Administrative practice and procedure, Authority delegations (Government agencies).

##### 8 CFR Part 103

Administrative practice and procedure, Authority delegations (Government agencies), Fees, Reporting and recordkeeping requirements.

##### 8 CFR Part 211

Reporting and recordkeeping requirements, Visas.

##### 8 CFR Part 212

Administrative practice and procedure, Parole, Reporting and recordkeeping requirements, Visas.

##### 8 CFR Part 234

Public health.

##### 8 CFR Part 242

Administrative practice and procedure, Deportation proceedings.

##### 8 CFR Part 264

Reporting and recordkeeping requirements.

##### 8 CFR Part 299

Forms, Reporting and recordkeeping requirements.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

#### PART 100—STATEMENT OF ORGANIZATION

1. The authority citation for Part 100 is revised to read as follows:

Authority: Sec. 103, 66 Stat. 173; 8 U.S.C. 1103.

2. Section 100.2(c)(3) is amended by removing the word "and" from paragraph (iv); removing the period from the end and inserting ", and" in paragraph (v); and adding paragraph (vi) as follows:

##### § 100.2 Organization and functions.

- \* \* \*
- (c) \* \* \*
- (3) \* \* \*
- (vi) Legalization.
- \* \* \*

3. In § 100.4 a new paragraph (f) is added to read as follows:

##### § 100.4 Field Service.

\* \* \*

(f) District Legalization Offices are local offices of the Immigration and Naturalization Service under the authority of the district director in whose district such offices are located. Legalization Offices have been opened specifically to accommodate applicants for the Legalization and Special Agricultural Worker programs. Legalization Offices may be opened and closed, at the discretion of the Commissioner, as the need arises.

##### Legalization Offices

###### Eastern Region

BAL—Baltimore, MD (XBL)  
 BOS—Boston, MA (XBT); New Haven, CT (XNH); Springfield, MA (XSP)  
 BUF—Buffalo, NY (XBU); Syracuse, NY (XSY)  
 NEW—Camden, NJ (XCN); Jersey City, NJ (XJC); Paterson, NJ (XPT)  
 NYC—South Long Island City, NY (XBK); Manhattan, NY (XMA); Hempstead, NY (XNS)  
 PHI—Lima, PA (XLM); Pittsburgh, PA (XPI); Charleston, WV (XCR)  
 SAJ—San Juan, PR (XSJ)  
 WAS—Arlington, VA (XAR)

###### Northern Region

ANC—Anchorage, AK (XAN)  
 CHI—Aurora, IL (XEG); Chicago, IL (XBI); Chicago, IL (XLS); Forest Park, IL (XLI); Indianapolis, IN (XIN); Greenfield, WI (XNI)  
 CLE—Cincinnati, OH (XCI); Cleveland, OH (XCL)  
 DEN—Denver, CO (XDE); Grand Junction, CO (XGI); Pueblo, CO (XPU); Salt Lake City, UT (XSK)  
 DET—Detroit, MI (XDT)  
 HEL—Boise, ID (XBO); Helena, MT (XHE); Idaho Falls, ID (XIF)  
 KAN—Garden City, KS (XGC); Kansas City, MO (XKA); Bridgeton, MO (XSL); Wichita, KS (XWI)  
 OMA—Davenport, IA (XDV); Des Moines, IA (XDM); Omaha, NE (XOM); Gering, NE (XSE)  
 POO—Pendleton, OR (XPL); Portland, OR (XPD)  
 SEA—Pasco, WA (XPA); Seattle, WA (XSE); Wenatchee, WA (XWE); Yakima, WA (XYA)  
 SPM—Bloomington, MN (XTW)

###### Southern Region

ATL—Decatur, GA (XAT); Charlotte, NC (XCH)  
 DAL—Arlington, TX (XDA); Lubbock, TX (XLU); Oklahoma City, OK (XOK)  
 ELP—Albuquerque, NM (XAL); El Paso, TX (XEL)  
 HLG—Harlingen, TX (XHA)  
 HOU—Houston, TX (XHU)  
 MIA—Jacksonville, FL (XJA); Miami, FL (XMI); Miami, (Hialeah), FL (XOP); Miami, (Coral Gables), FL (XSW); Miami, (Okeechobee), FL (XWP); Tampa, FL (XTA); Fort Lauderdale, FL (XWS)  
 NOL—Memphis, TN (XME); New Orleans, LA (XNO)  
 SNA—Austin, TX (XAU); Corpus Christi, TX (XCO); Laredo, TX (XLR); San Antonio, TX (XSN)

###### Western Region

HHW—Agana, GU (XAG); Honolulu, HI (XHL)  
 LOS—Garden Grove, CA (XAH); Los Angeles, CA (XLA); El Monte, CA (XEM); Los Angeles, CA (XHO); Huntington Park, CA (XHP); Indio, CA (XID); Bellflower, CA (XLB); Buena Park, CA (XNK); Oxnard, CA (XOX); Pomona, CA (XPO); Riverside, CA (XRV); Sepulveda, CA (XSR); Santa Ana, CA (XSA); Gardena, CA (XTO); North Hollywood, CA (XVN)  
 PHO—Las Vegas, NV (XLV); Phoenix, AZ (XPH); Reno, NV (XRO); Tucson, AZ (XTU); Willcox, AZ (XWX); Yuma, AZ (XYU)  
 SND—El Centro, CA (XCA); Escondido, CA (XES); San Diego, CA (XSD)  
 SFR—Bakersfield, CA (XBA); Eureka, CA (XEU); Fresno, CA (XFR); Oakland, CA (XOA); Redding, CA (XRE); Sacramento, CA (XSC); Salinas, CA (XSI); San Francisco, CA (XSF); San Jose, CA (XSO); Stockton, CA (XST)

### 103—POWERS AND DUTIES OF ICE OFFICERS: AVAILABILITY SERVICE RECORDS

The authority citation for Part 103 is read to read as follows:

Authority: 5 U.S.C. 522(a); 8 U.S.C. 1101, 201, 1301-1305, 1351, 1443, 1454, 1455; 8 U.S.C. 1746; 7 U.S.C. 2243; 31 U.S.C. 9701; 2356, 3 CFR, 1982 Comp., p. 166.

Section 103.1 is amended by striking the word "and" from paragraph (f)(1)(iv), inserting ", and" at the end of paragraph (f)(1)(v) and adding paragraph (f)(1)(vi); adding new paragraphs (f)(2)(xxvii) through (xxviii); striking existing text in paragraph (n)(1) and adding a new paragraph inserting "Chief Legalization Officer, Supervisory Legalization Officer, Legalization Adjudicator, Legalization Officer and Legalization Assistant" after the term "contact representative," in paragraph (q); and adding a new paragraph (t) to read as follows:

#### Delegations of authority.

- ii) Application for status as temporary or permanent resident under 210.2 or § 245a.3 of this title;
- iii) Application for status as temporary resident under § 210.2 of this title;
- x) Termination of status as temporary resident under § 210.4 of this title;
- y) Termination of status as temporary resident under 245a.2 of this title;
- i) Application for waiver of grounds of excludability under Parts 210 and 245a of this title; and
- ii) Application for replacement of Temporary Resident Card).

Applications filed for Special Agricultural Worker or Legalization Officer, respectively, may be approved by the district director having jurisdiction of the legalization office where a second interview is required by the regional legalization office, if the alien in the interview can establish eligibility for approval. District directors may approve applications for Special Agricultural Worker or Legalization Officer at legalization offices under their jurisdiction if the alien clearly fails to meet statutory requirements or the alien

admits fraud or misrepresentation in the application process.

(t) *Regional Processing Facility Directors.* Under the direction of their respective regional commissioners, regional processing facility directors have program, administrative and supervisory responsibility for all personnel assigned to their facilities. Regional processing facility directors are delegated the authority and responsibility to approve or deny applications for adjustment of status and for waivers of grounds of excludability under section 210 and section 245A of the Act.

6. In § 103.2, a new paragraph (c) is added to read as follows:

#### § 103.2 Applications, petitions, and other documents.

(c) *Filing of applications for adjustment of status under sections 210 and 245A of the Act, as amended.* (1) The filing of an application for temporary resident status under section 245A(a) of the Act must conform to the provisions of § 245a.2 of this chapter. The filing of an application for permanent resident status under section 245A(b)(1) of the Act must conform to the provisions of § 245a.3 of this chapter. The filing of an application for adjustment of status to that of a temporary resident under section 210(a) of the Act must conform to the provisions of § 210.2 of this chapter.

(2) An application for adjustment to temporary or permanent resident status pursuant to section 245A (a) or (b)(1) or section 210(a) of the Act may be accepted on behalf of the Attorney General by designated state, local and community organizations as well as designated voluntary organizations and persons. Each such application shall contain a certification signed by both the alien and the preparing member of the designated organization or entity, that the applicant has approved transmittal of the application to the Service for adjudication.

(3) An application accepted by any of the designated entities shall be stamped with an endorsement as to the date of preparation and authorization for transmittal, and may be brought to the legalization office with the applicant as an application ready for adjudication. However, such application shall not be considered as complete until accepted for adjudication by and until the appropriate fee has been paid to the Immigration and Naturalization Service.

7. In § 103.3(a), existing text is designated (a)(1) and a new paragraph (a)(2) is added to read as follows:

#### § 103.3 Denials, appeals, and precedent decisions.

(a) \* \* \*

(2) *Denials and appeals of special agricultural worker and legalization applications and termination of lawful temporary resident status under sections 210 and 245A.* (i) Whenever an application for legalization or special agricultural worker status is denied or the status of a lawful temporary resident is terminated, the alien shall be given written notice setting forth the specific reasons for the denial or termination on Form I-692, Notice of Denial. Form I-692 shall also contain advice to the applicant that he or she may appeal the decision and that such appeal must be taken within 30 days after service of the notification of decision accompanied by any additional new evidence, and a supporting brief if desired. The Form I-692 shall additionally provide a notice to the alien that if he or she fails to file an appeal from the decision, the Form I-692 will serve as a final notice of ineligibility.

(ii) Form I-694, Notice of Appeal, in triplicate, shall be used to file the appeal, and must be accompanied by the appropriate fee. Form I-694 shall be furnished with the notice of denial at the time of service on the alien.

(iii) Upon receipt of an appeal, the administrative record will be forwarded to the Administrative Appeals Unit as provided by § 103.1(f)(2) of this part for review and decision. The decision on the appeal shall be in writing, and if the appeal is dismissed, shall include a final notice of ineligibility. A copy of the decision shall be served upon the applicant and his or her attorney or representative of record. No further administrative appeal shall lie from this decision, nor may the application be filed or reopened before an immigration judge or the Board of Immigration Appeals during exclusion or deportation proceedings.

(iv) Any appeal which is filed that:

(A) Fails to state the reason for appeal;

(B) Is filed solely on the basis of a denial for failure to file the application for adjustment of status under section 210 or 245A in a timely manner; or

(C) Is patently frivolous; will be summarily dismissed. An appeal received after the thirty (30) day period has tolled will not be accepted for processing.

\* \* \*

8. In § 103.4, existing text is designated paragraph (a) and a new paragraph (b) is added to read as follows:

**§ 103.4 Certifications.**

(b) *Certification of denials of special agricultural worker and legalization applications.* The Regional Processing Facility director may, in accordance with paragraph (a) of this section, certify a decision to the Associate Commissioner, Examinations (Administrative Appeals Unit), when the case involves an unusually complex or novel question of law or fact.

9. In § 103.5, existing text is designated paragraph (a) and a new paragraph (b) is added to read as follows:

**§ 103.5 Reopening or reconsideration.**

(b) *Motions to reopen or reconsider denials of special agricultural worker and legalization applications.* Upon the filing of an appeal to the Associate Commissioner, Examinations (Administrative Appeals Unit), the Director of a Regional Processing Facility or the consular officer at an Overseas Processing Office may *sua sponte* reopen any proceeding under his or her jurisdiction opened under Part 210 or 245a of this chapter and may reconsider any decision rendered in such proceeding. The new decision must be served on the appellant within 45 days of receipt of any brief and/or new evidence, or upon expiration of the time allowed for the submission of a brief. The Associate Commissioner, Examinations, or the Chief of the Administrative Appeals Unit may *sua sponte* reopen any proceeding conducted by that Unit under Part 210 or 245a of this chapter and reconsider any decision rendered in such proceeding. Motions to reopen a proceeding or reconsider a decision under Part 210 or 245a of this chapter shall not be considered.

10. In § 103.7, paragraph (b)(1) is amended by adding in numerical sequence the following:

**§ 103.7 Fees.**

(b) \* \* \*

*Form I-687.* For filing application for status as a temporary resident under section 245A (a) of the Immigration and Nationality Act as amended—to be remitted in the form of a cashier's check, certified bank check or money order. A fee of one hundred and eighty-five dollars (\$185.00) for each application or fifty dollars (\$50.00) for each application for a minor child (under 18 years of age) is required at the time of filing with the Immigration and Naturalization Service. The maximum amount payable by a family (husband, wife, and any minor children) shall be four hundred and twenty dollars (\$420.00).

*Form I-690.* For filing application for waiver of ground of excludability under section 212(a) of the Act as amended, in conjunction with application under section 210 or 245A of the Act—to be remitted in the form of a cashier's check, certified bank check or a money order—\$35.00

*Form I-694.* For appealing the denial of application under section 210 or 245A of the Act—to be remitted in the form of a cashier's check, certified bank check or a money order—\$50.00

*Form I-695.* For filing application for replacement of temporary resident card (Form I-688) to be remitted in the form of a cashier's check, certified bank check or a money order—\$15.00

*Form I-698.* For filing application for adjustment from temporary resident status to that of lawful permanent resident under section 245A(b)(1) of the Act, as amended—to be remitted in the form of a cashier's check, certified bank check or money order. (fee amount to be determined as required).

*Form I-700.* For filing application for status as a temporary resident under section 210(a)(1) of the Act, as amended—to be remitted in the form of a cashier's check, certified bank check or a money order. A fee of one hundred and eighty-five dollars (\$185.00) for each application or fifty dollars (\$50.00) for each application for a minor child (under 18 years of age) is required at the time of filing with the Immigration and Naturalization Service. The maximum amount payable by a family (husband, wife, and any minor children) shall be four hundred and twenty dollars (\$420.00).

10a. Part 103 is amended by adding a new § 103.37 to read as follows:

**§ 103.37 Display of control numbers.**

The following forms are contained in § 103.7. The Office of Management and Budget has assigned the following OMB control numbers:

Forms	Currently assigned OMB control numbers
I-687	1115-0133
I-690	1115-0132
I-693	1115-0134
I-694	1115-0135
I-695	1115-0129
I-697	1115-0130
I-700	1115-0131
I-705	1115-0137

**PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS**

11. The authority citation for Part 211 is revised to read as follows:

**Authority:** Secs. 101, 103, 211, 212, 223, 235, 247; Pub. L. 99-603, as amended; 8 U.S.C. 1101, 1103, 1181, 1182, 1203, 1225, 1257.

12. § 211.1, paragraph (d) is added to read as follows:

**§ 211.1 Visas.**

(d) *Returning temporary residents—(I-688).* (1) Form I-688 may be presented in lieu of an immigrant visa by an alien whose status has been adjusted to that of a temporary resident under the provisions of § 210.1 of this chapter, such status not having changed, and who is returning to an unrelinquished residence within one year after a temporary absence abroad.

(2) Form I-688 may be presented in lieu of an immigrant visa by an alien whose status has been adjusted to that of a temporary resident under the provisions of § 245a.2 of this chapter, such status not having changed, and who is returning to an unrelinquished residence within 30 days after a temporary absence abroad, provided that the aggregate of all such absences abroad during the temporary residence period has not exceeded 90 days.

13. In § 211.5, paragraph (d) is added to read as follows:

**§ 211.5 Alien commuters.**

(d) *Special agricultural workers.* Notwithstanding any other provisions of this part, an alien lawfully admitted for temporary residence under section 210 may commence or continue to reside in foreign contiguous territory and commute to his or her place of employment in the United States to engage in daily or seasonal work which on the whole is regular and stable as provided in section 210(a)(4) of the Act, provided, that at the time of each reentry a valid Form I-688 is presented in lieu of an immigrant visa and passport. An alien commuter engaged in seasonal work is presumed to have taken up residence in the United States if he or she is present in this country for more than six months, in the aggregate, during any continuous 12-month period. An alien commuter's address report under section 265 of the Act must show the actual residence address even though it is not in the United States. Temporary resident commuters are subject to loss of commuter status in the same manner as permanent resident commuters as provided in paragraph (b) of this section.

**PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE**

14. The authority citation for Part 212 is revised to read as follows:

**Authority:** Secs. 101, 103, 212, 214, 235, 236, 238, 242, 66 Stat. 166, 173, 182, as amended,

200, 202, 208, as amended, 8 U.S.C. 103, 1182, 1184, 1225, 1226, 1228, 1252, 182c.

§ 212.5 paragraph (b) is amended by removing the period at the end of the last sentence, inserting a colon and adding new text to read forth below; by designating paragraph (d)(2) as (d)(2)(i) and adding a new paragraph (d)(2)(ii) to read as follows:

#### Parole of aliens into the United States

\* \* \* however, an alien who is admitted at a port of entry and applies for admission into the United States for the sole purpose of seeking adjustment of status under section 245A of the Act, without having received advance authorization as required in paragraph (e) (2) of this chapter shall be denied parole and shall be excluded in accordance with the provisions of paragraph (b) or 235.3 of this chapter. An alien who is admitted to enter the United States for the purpose of applying for adjustment of status under section 210 of the Act shall be denied parole and shall be excluded under paragraph (b) of § 235.3 of this chapter, unless the alien has been recommended for approval of such application for parole by a consular officer at an American Consulate or Processing Office.

\* \* \* an alien who is granted parole into the United States after enactment of the Immigration Reform and Control Act of 1986 for other than the specific purpose of applying for adjustment of status under section 245A of the Act shall not be permitted to avail him or herself of the privilege of adjustment of status under section 245A of the Act. Failure to abide by this provision through making such an application will subject the alien to deportation proceedings under sections 236 of the Act without the benefit of notice of termination required by § 236.5(d)(2)(i) of this chapter.

#### 34—PHYSICAL AND MENTAL EXAMINATION OF ARRIVING ALIENS

The authority citation for Part 234 is amended to read as follows:

Authority: Secs. 103, 234, 66 Stat. 173, 198; 1103, 1224).

#### [Amended]

§ 234.2, paragraph (b) is amended by inserting the phrase "and unty and state health

departments" immediately after the word "clinics" and inserting the following after the word "experience"; "Under usual circumstances physicians will be required to meet the 4 year professional experience criteria. However, at the district director's discretion other physicians with less experience can be designated to address unusual or unforeseen situations as the need arises."

#### PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

18. The authority citation for Part 242 is revised to read:

Authority: Secs. 103, 242, 244, 292, 66 Stat. 173, 208, as amended 214, 235; 8 U.S.C. 1103, 1252, 1254, 1362.

19. Section 242.21 is amended by designating existing text as paragraph (a) and adding the following new paragraph (b):

#### § 242.21 Appeals.

(b) *Prohibited appeals; legalization or special agricultural worker applications.* An alien respondent defined in § 210.2(d)(3) or § 245a.2(c) (5), (6), or (7) of this chapter who fails to file an application for adjustment of status to that of a temporary resident within the prescribed period(s), and who is thereafter found to be deportable by decision of an immigration judge, shall not be permitted to appeal the finding of deportability based solely on refusal by the immigration judge to entertain such an application in deportation proceedings.

#### PART 264—REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES

20. The authority citation for Part 264 is revised to read:

Authority: Secs. 103, 221, 261–265, 66 Stat. 173, 191, 223–225; 8 U.S.C. 1103, 1201, 1301–1305; sec. 8, 71 Stat. 641; 8 U.S.C. 1201a.

21. In § 264.1 paragraph (a) is amended by adding at the end of existing text; the following:

#### § 264.1 Registration and fingerprinting.

##### (a) \* \* \*

I–687, Application for Status as a Temporary Resident—Applicants under section 245A of the Immigration and Nationality Act, as amended.

I–691, Notice of Approval for Status as a Temporary Resident—Aliens adjusted to lawful temporary residence under 8 CFR 210.2 and 245A.2.

I–698, Application to Adjust Status from Temporary to Permanent Resident—Applicants under section 245A of the Immigration and Nationality Act, as amended.

I–700, Application for Status as a Temporary Resident—Applicants under section 210 of the Immigration and Nationality Act, as amended.

\* \* \* \* \*  
22. In § 264.1 paragraph (b) is amended by adding at the end of the existing text the following:

#### § 264.1 Registration and fingerprinting.

\* \* \* \* \*

##### (b) \* \* \*

I–688, Temporary Resident Card—Lawful temporary residents of the United States.

I–688A, Employment Authorization Card.

I–695, Application for Replacement of Form I–688 Temporary Resident Card—While application is pending, aliens whose evidence of registration has been lost, stolen, mutilated, or destroyed; aliens whose original Form I–688 were incorrect when issued.

\* \* \* \* \*

23. In § 264.1, paragraph (c) is amended by adding the following sentences at the end of the existing text:

(c) \* \* \* Application by an alien lawfully admitted for temporary residence for Form I–688, Temporary Resident Card, in lieu of one lost, stolen, mutilated, or destroyed, shall be made on Form I–695 accompanied by the fee required by § 103.7(b) of this chapter, two color photographs, (regardless of the applicant's age, unless the requirement for such photographs has been waived by the director of the legalization office in his or her discretion because of hardship to an applicant who is confined due to age or physical infirmity), and when issuance of Form I–688 is desired in a changed name, by appropriate documentary evidence of such change. Any Form I–688 in applicant's possession must also be submitted with the application. An application by an alien within the United States for replacement of evidence of registration shall be submitted to the legalization office having jurisdiction over the applicant's place of residence in the United States. Prior to the issuance of Form I–688, all applicants, regardless of age, shall appear at the appropriate legalization office for interview; and placement of fingerprint and signature on I–688 unless these requirements are waived at the discretion of the district director because of infirmity, illiteracy, or other compelling reasons. An alien who files application Form I–695 may be required to appear in person before an immigration officer prior to the

adjudication of the application and be interviewed under oath concerning his or her eligibility for issuance of I-688 as evidence of his or her registration. In addition, the applicant may also be required to present a completed fingerprint card (Form FD-258). The decision on an application for replacement of evidence of registration shall be made by the regional processing facility director having jurisdiction over the alien's place of residence in the United States. No appeal shall lie from the decision of the regional processing facility director denying the application.

\* \* \*

## PART 299—IMMIGRATION FORMS

24. The authority citation for Part 299 is revised to read as follows:

Authority: Sec. 103; 66 Stat. 173; 8 U.S.C. 1103.

### § 299.1 [Amended]

25. Section 299.1 is amended by adding the following immediately before the entry "ICAO" in numerical sequence:

#### § 299.1 Prescribed forms.

\* \* \*

- I-687 (4-1-87)—Application for Status as a Temporary Resident (section 245A INA).
- I-688 (5-87)—Temporary Resident Card.
- I-688A (5-87)—Employment Authorization Card.
- I-690 (2-14-87)—Application for Waiver of Grounds of Excludability.
- I-691 (5-5-87)—Notice of Approval of Status as a Temporary Resident.
- I-692 (5-5-87)—Notice of Denial for Status as a Temporary Resident.
- I-693 (2-14-87)—Medical Examination for Status as a Temporary Resident Under Pub. L. 99-603.
- I-694 (4-1-87)—Notice of Appeal.
- I-695 (2-24-87)—Application for Replacement of Form I-688 Temporary Resident Card (Under Pub. L. 99-603).
- I-697 (2-14-87)—Change of Address.
- I-698 (—)—Application to Adjust Status from Temporary to Permanent Resident (Under the Immigration Reform and Control Act of 1986).
- I-700 (4-1-87)—Application for Status as a Temporary Resident (section 210 INA).
- I-705 (3-12-87)—Affidavit to corroborate employment claimed by an applicant for status as a temporary resident (section 210 INA).

\* \* \*

26. Section 299.3 is amended by adding the following in the appropriate numerical sequence:

### § 299.3 Forms available from Superintendent of Documents.

Form No.	GPO stock No. (S/N)	Price per 100/pad
I-687 .....	S/N 027-002-00336-5 .....	27.00/100
I-693 .....	S/N 027-002-00340-3 .....	27.00/100
I-700 .....	S/N 027-002-00337-3 .....	27.00/100
I-705 .....	S/N 027-002-00339-0 .....	13.00/100

Dated: April 28, 1987.

Alan C. Nelson,  
Commissioner.

[FR Doc. 87-9893 Filed 4-30-87; 8:45 am]

BILLING CODE 4410-10-M

## 8 CFR Part 210

[INS No. 1021-87]

### Adjustment of Status for Special Agricultural Workers

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

**SUMMARY:** This rule establishes Part 210 of 8 CFR, a new part added to conform with the new section 210 of the Immigration and Nationality Act established by Pub. L. 99-603, the Immigration Reform and Control Act of 1986 (IRCA). This rule sets the criteria and procedures to be used to adjust the status of special agricultural workers to that of temporary residents; sets standards for maintenance of that status; outlines the benefits accruing to temporary residents and the distinctions between temporary and permanent resident status; sets criteria and procedures for termination of temporary resident status; and establishes procedures for adjustment of the status of temporary resident special agricultural workers to that of permanent residents.

**EFFECTIVE DATE:** June 1, 1987.

**FOR FURTHER INFORMATION CONTACT:** William S. Slattery, Assistant Commissioner, Legalization, 425 I Street, NW., Washington, D.C. 20536, (202) 786-3658.

**SUPPLEMENTARY INFORMATION:** A preliminary working draft of this rule was made available to the public by notice in the *Federal Register* on January 20, 1987 (52 FR 2115). Comments on that draft received from 164 organizations and individuals were helpful in the preparation of the proposed rule which was published in the *Federal Register* on March 19, 1987 (52 FR 8745). Comments on the proposed rule were received from 184 organizations and individuals including comments from three organizations which represented 78 other institutions or organizations. Eight

state government departments and one federal agency provided comments on the proposed rule. The Service has made extensive use of the public comment on the proposed rule in analyzing the special agricultural worker provisions of IRCA and in developing this rule for the implementation of those provisions. The suggestions of many commentators have either been adopted in this rule or have motivated adjustments to the rule by the Service. The Service thanks all commentators for the thoughtfulness and constructive intent of their suggestions.

Several comments were directed to the provision in § 210.1(d) of the proposed rule concerning the initiation of deportation proceedings in cases involving fraud. This section has been clarified by reference to § 210.2(e)(4) but otherwise remains basically unchanged. A more complete discussion of the provisions governing fraud is provided below in reference to § 210.2(d)(4).

Four commentators suggested that the Service has applied an erroneous residence requirement for Group 1 eligibility at § 210.1(e). However, the Service is persuaded that its interpretation of the Group 1 residency requirement is correct based on the authorities cited in the preambles to the draft and proposed rule. The Conference Managers' Report expressly states that: "... the conferees intend 'resided' to mean 6 months per year, in the aggregate, in the U.S. for the 'Group 1' workers. . . ." A six-month residence requirement for Group 2 workers is mentioned in the Conference Managers' Report but this was reduced to a three-month requirement according to clarification provided in colloquies in the House and Senate.

One commentator suggested that the definition of Group 2 workers should include an express residence requirement and a provision that persons who commuted to the United States for the purposes of daily employment are not eligible for special agricultural worker status. It is the Service's belief that the Congress did not intend seasonal agricultural workers who commute on a daily basis to be ineligible for adjustment of status. Express provision is made at section 210(a)(4) that aliens granted temporary resident status may commute from a residence abroad. It is abundantly clear in the legislative history that, in passing section 210, Congress was addressing the needs of producers of perishable commodities who have come to rely heavily on the existence of an undocumented workforce. Producers of perishable commodities along the border have been at least as dependent

h labor as producers in the r. We have not found in the tive history an indication that roducers, a significant portion of workforce commutes on a daily are for that or any other reason to be less favored. definition of the term "man-day" en expanded to include the ry provision that "... mance of seasonal agricultural s in the United States for more ne employer on any one day shall nted as performance of services y 1 man-day."

eral commentors stated that the ed rule definition of a volous application is overly nt, that documentary evidence not be required to support a volous application, and that ants' testimony alone should be nt to demonstrate that an ation is nonfrivolous. One ntor stated that an application be regarded as nonfrivolous only applicant demonstrates that he or ets all affirmative qualifications not ineligible due to any lifications.

erally, those commentors who e proposed rule definition as restrictive premise their position guage in the Conference ers' Report which relates to the shment of a "nonfrivolous case of ity." It is the interpretation of INS e criteria stated in the Conference ers' Report apply only to the ons of section 210(d)(1) of the hich provides a temporary stay of ion or deportation and work ization to aliens apprehended the application period, who "can sh a nonfrivolous case of lity. . . ." The Service has adopted plied these criteria to persons ended between enactment of and the beginning of the ation period. Neither the 'ence Managers' Report nor any egislative history provides nes concerning a "nonfrivolous ation," which is a new standard ection 210(d)(2) of the Act for ation for a temporary stay of ion or deportation and work ization during the application . Given the difference in statutory ology, it is the Service's etation that a "nonfrivolous case bility" and a "nonfrivolous ation" constitute distinct and nt standards. The situations of an ho is apprehended before the ation period and one who files an ation are clearly different. The is not in a position to do more

than make a declaration. An alien who files an application has had time to more carefully consider his claim and to obtain corroborating evidence. It is the opinion of the Service that the proposed rule definition of a nonfrivolous application, which requires payment of the application fee and documentary evidence of eligibility, is reasonable. This definition attempts to strike a balance between facilitating the issuance of work authorization and limiting such issuance to those for whom Congress intended this benefit.

Sixty-nine commentors urged that 13 various products or classes of products be classified as "other perishable commodities". One commentor stated that INS is not bound to accept regulations issued by the Secretary of Agriculture if such regulations are plainly contrary to the provisions or spirit of IRCA. It is the Service's interpretation of section 210(h) of the Act that it is the authority of the Secretary of Agriculture to define "other perishable commodities" for the purposes of IRCA and not that of Attorney General. On April 22, 1987, the Secretary of Agriculture published in the **Federal Register**, a proposed rule defining "seasonal agricultural services" as it appears in IRCA which contains a definition of "other perishable commodities" (52 FR 13246). The Secretary of Agriculture has been provided the comments received by INS on this issue. Interested parties should direct any further comments to the Secretary of Agriculture at the address provided in his proposed rule. No definition of "other perishable commodities" appears in this rule.

The definition of an "overseas processing office" has been amended to accommodate the Department of State's organization and procedures for the overseas processing of SAW applications. One commentor suggested that consular personnel should not be empowered to approve applications for special agricultural worker status but should be required to refer applications deemed approvable to INS for a final decision. Based on discussions between the Service and the Department of State, this is the procedure which will be implemented. Overseas processing offices will recommend approval of or deny applications for adjustment of status under section 210. Applicants who present applications which are recommended for approval will be admitted to the United States to present their applications at legalization offices for forwarding to regional processing facilities for a final determination. An exception to this procedure will occur if

a consular officer has reason to believe that the applicant may have a criminal record. In such a case, the alien will not be admitted to the United States until the results of relevant record checks are known.

Numerous commentors provided suggestions as to specific programs or forms of assistance which should or should not be regarded as "public cash assistance." The Service believes that the proposed rule definition is an accurate interpretation of the provisions of IRCA. Several commentors stated that it was inappropriate to regard public cash assistance received by immediate family members as having been received by an applicant for the purpose of this rule. However, if the dependents, including U.S. citizens, of an applicant qualify for such assistance based on the applicant's inability to adequately provide for their support, and if the assistance received by these persons is required for the maintenance of the applicant's household or subsistence of its members, the Service may regard receipt of such assistance as constituting reliance on public cash assistance on the applicant's part dependent on the amount of assistance received and/or the length of the period of time over which it is received. With the exception of the listing of Medicaid as a program which does not constitute public cash assistance, the proposed rule definition will stand.

Numerous commentors suggested changes in the Service's definition of "qualifying agricultural employment" or suggested that the Secretary of Agriculture, rather than the Attorney General, is authorized to formulate that definition. The Service has removed the proposed rule definition of qualifying agricultural employment and has substituted a reference to "seasonal agricultural services" from section 210(h) of the Act. The Secretary of Agriculture has issued a proposed rule defining "seasonal agricultural services" which contains a definition of "field work". When finalized after comment, this rule will govern qualifying employment.

The proposed rule definition of "subject to an order to show cause" has been removed in that, as pointed out by one commentor, that term appears nowhere else in this rule.

Two commentors suggested that the provision of § 210.2(a)(2) requiring that applicants for Group 1 classification so endorse their applications is unfair and obstructive. The provision is designed merely to permit applicants for that classification to signal their claim to Group 1 eligibility and to permit

examiners to readily identify such claims. Form I-700, Application for Temporary Resident Status as a Special Agricultural Worker, is similar to other Service applications for alternative benefits, with blocks to be checked to identify the exact benefit sought.

Several commentors suggested a change to the language of section 210(a)(3) relative to the tracking of Group 1 numerical limitations. The language of this provision has been amended to more accurately describe the standard for limiting the number of Group 1 applications.

Two commentors suggested that § 210.2(b)(1) be amended to reduce the amount of time given qualified designated entities (QDEs) to forward applications to the Service. The language of this section has been amended to clarify its intent that QDEs must forward applications within 60 days from the date the applicant gives consent for such forwarding rather than the date they receive a completed application. This allows time after filing with a QDE for an application to be perfected before it is filed with the Service.

Several commentors stated that the Service has no statutory authority to impose a 30-day filing deadline on aliens apprehended before the application period and released from Service custody based on establishment of a nonfrivolous case of eligibility for adjustment of status under section 210 of the Act. However, section 210(d)(1) of the Act expressly provides that the stay of exclusion and deportation and the work authorization provided to such persons extends only through the first 30 days of the application period. They are therefore required to file applications within that 30-day period. If they fail to do so, they are subject to issuance of an order to show cause and warrant of arrest or to the execution of any outstanding warrant of arrest or order of deportation.

One hundred and thirty commentors stated that the provision of § 210.2(c)(1) of the proposed rule that persons who were not in the United States upon enactment of IRCA or who departed subsequent to enactment cannot file applications in the United States but must file overseas is inconsistent with section 210(d) of the Act and the legislative history of IRCA. Numerous commentors foresaw disruption of the agricultural labor force and possible crop losses if the proposed rule provision was not changed. One commentor supported this provision. This rule provides that aliens who entered the United States before May 1, 1987 can file applications for special

agricultural worker status in the United States. Aliens who were outside the United States on or after May 1, 1987 are still required to file applications at overseas processing offices. However, under this rule appreciation filed overseas will be received, processed, referred to the Service or denied. An applicant whose application is recommended for approval and referred to the Service will be able to proceed immediately to a legalization office in the United States for issuance of Form I-688A, Employment Authorization. These modifications avoid the disruption of ongoing agricultural activity which might result from requiring workers currently engaged in agricultural employment to depart the United States to file applications and allow for the earliest possible admission of overseas applicants.

Several comments were offered on the provisions of § 210.2(c)(2) governing applications in the United States. These included a suggestion that the language of this section be clarified to show that it applies to applications received from QDEs; that cash and personal checks be accepted for filing fees; and that filing by mail and in person be permitted in all districts. The language of this provision has been modified to clarify QDE filing procedures. The provision requiring payment of fees by money order or certified check is intended to ensure the efficiency of the special agricultural worker program by eliminating the problems of default on personal checks and the need for security created by the handling of currency. Also, district directors will retain the discretion to set modes of filing in legalization offices under their jurisdiction in order to best respond to the great variance in workloads and case characteristics anticipated among legalization offices. The provisions of § 210.2(c)(3) governing overseas applications have been expanded to include more detailed information concerning consular authority, organization, and procedures for overseas processing of applications for special agricultural worker status.

One commenter suggested that § 210.2(d) of the proposed rule, which provides for an interview of applicants, be amended to require written notice of the time and place of interview in all cases. Such a notice will be provided to all applicants scheduled for interview. It is, however, obviously infeasible for walk-in cases.

One commentator suggested that § 210.2(e) of the proposed rule governing medical examinations be amended to require testing for AIDS to safeguard the public health and prevent aliens afflicted with that disease from

becoming public charges. However, section 234 of the Act provides that the physical and mental examination of aliens, to include guidelines for such examination, is a matter under the jurisdiction of the Secretary of Health and Human Services.

Several commentors suggested that § 210.2(f)(3) of the proposed rule governing the use of application information be modified to provide assurances that evidence of eligibility provided to applicants by other parties, such as employers, is covered by the confidentiality provisions. Clarifying language has been added to this provision, now at § 210.2(e)(3). The position of the Service is that all information provided with an application is covered by the confidentiality provisions of section 210(b)(6) of the Act other than false or fraudulent statements or evidence as described in section 210(b)(7) of the Act.

Several commentors suggested that the Service is without statutory authority to effect the provision of § 210.2(f)(4) of the proposed rule that an order to show cause and warrant of arrest can be issued in cases involving violation(s) of section 210(b)(7) of the Act. This provision, now at § 210.2(e)(4), has been modified to state that an order to show cause and warrant of arrest can be issued in cases where prosecution is declined and the matter is returned to the Service by an United States Attorney for initiation of deportation proceedings in lieu of prosecution.

Several commentors suggested that § 210.2(g) of the proposed rule governing decisions on special agricultural worker cases be modified to require a notice of intent in denial cases and a copy of the decision to attorneys or representatives in all cases. This provision, now at § 210.2(f), has been amended to provide for a copy of decisions to attorneys and representatives. The administrative process includes an appeal mechanism as required by statute. A notice of intent procedure would create an unwarranted additional adjudicative process and will therefore not be adopted.

The language of § 210.2(h), of the proposed rule, governing motions has been amended to include overseas processing offices and to otherwise clarify the provisions of this rule for, now at § 210.2(g), motions to reopen or reconsider.

Several commentors suggested that the provisions of § 210.3(a) be amended to provide derivative status for family members of eligible aliens or to clarify the eligibility of in-status nonimmigrants for special agricultural worker status. There is no statutory authority for the

creation of derivative special agricultural worker status, nor is there any provision in IRCA or this rule to preclude nonimmigrants from eligibility for adjustment of status under section 210 of the Act.

Several commentors stated that the provisions of § 210.3(b) governing proof of eligibility, which require documentary evidence of eligibility other than applicant testimony, are overly restrictive and inconsistent with the presumption in favor of worker evidence suggested by the legislative history of IRCA. One commentor stated that the provision of § 210.3(b)(3) that an application may be denied if the evidence presented is deemed insufficient and cannot be corroborated, violates section 210(b)(3)(B) of the Act which provides that the burden of proof shifts to the Service if an applicant provides evidence establishing a just and reasonable inference of eligibility. That Congress intended that applications for adjustment of status under section 210 of the Act be supported by documentary evidence is shown by the language of the Conference Managers' Report which provides that to establish a nonfrivolous case of eligibility, applicants must, in addition to attesting to their eligibility, "... (identify) the type or nature of documentation they intend to adduce to make the necessary showing ...". An applicant who provides evidence which is insufficient per se to establish a just and reasonable inference of eligibility and which cannot be corroborated, has not caused the reallocation of the burden of proof to the Service. To provide that the application filed in such a case may be denied is therefore not violative of section 210(b)(3)(B) of the Act. As suggested by several commentors, this provision has been amended by inclusion of the statutory burden of proof provisions.

Several commentors objected to the provision of § 210.3(c) requiring submission of original documents wherever possible. Several commentors noted that this provision is consistent with Congressional concern over fraud in the application process. Fraudulent attempts to gain permanent resident status through this program must be anticipated. This provision is regarded as necessary to prevent fraud. Several minor technical amendments have been made, including a provision that available original documents must be provided at the time of interview, although mailed-in applications may be supported by certified copies of such original documents.

One commentor noted that the provision of an exclusive list of forms of proof of identity at § 210.3(c)(1) would preclude submission of alternative evidence proving identity and suggested inclusion of a final general provision in the list of evidence by preference. This suggestion has been adopted.

Several commentors suggested that the distinction between primary and secondary evidence of employment provided at § 210.3(c)(3) be deleted. This suggestion has been adopted. Several commentors stated that the provisions of this section are overly burdensome in a manner inconsistent with the legislative history of IRCA. However, they are consistent both with the Service's interpretation that documentary evidence of eligibility is required and with the Service's mandate to prevent fraud in the application process.

Several commentors suggested that the provisions of § 210.3(c)(5) governing proof of financial responsibility be amended to include an expanded or universal requirement that applicants submit proof of non-receipt of public cash assistance. Other commentors suggested that the Service's authority to require such proof be restricted or eliminated. The Service regards the rule as written as a proper interpretation of the statute.

Two commentors suggested that the inclusion under § 210.3(d) of persons who have engaged in the persecution of others exceeds the Service's authority under the statute. This is correct and this provision therefore has been removed. However, exchange visitors subject to the provisions of section 212(e) of the Act remain included in the class of persons ineligible for adjustment of status under section 210 of the Act. If such persons are subject to the foreign residence requirement and have not received a waiver of that requirement, they are not admissible as immigrants and are therefore precluded from eligibility under section 210(a)(1)(C) of the Act.

Several commentors objected to the provisions of § 210.3(d) (3) and (4) including in the class of ineligible persons those who have failed to file within certain deadlines. Section 210.3(d)(3) will stand based on the explanation provided in response to comments on § 210.2(b)(2) of this rule. Section 210.3(d)(4) of the proposed rule which imposed a 30-day filing requirement on aliens apprehended after June 1, 1987, has been deleted.

Section 210.3(e)(2) has been amended to more precisely describe the role of overseas processing offices in the

processing of waivers of grounds of excludability.

One commentor suggested that the language relating to the special rule for determining public charge provided in proposed rule § 245a.2(k)(4) be adopted at § 210.3(e)(3). This language has been added to this rule. As was the case in relation to § 210.3(c)(5), comment on this section was divided between those favoring a more liberal standard and those favoring a more restrictive one. The standard set remains basically unchanged from the proposed rule.

Several commentors suggested that § 210.4 be amended to include a provision conforming to section 210(f) of the Act to stipulate the precise forms of aid for which aliens whose status is adjusted under section 210 would be ineligible. However, the statute states that Aid to Families with Dependent Children is the sole program for which such aliens are ineligible for five years after adjustment to temporary resident status. The Service believes that the statutory language is clear on its face and does not require regulatory construction.

Several commentors suggested various modifications to the criteria and procedures set at § 210.4(b)(2) for the granting of employment authorization. The Service regards the proposed rule provisions as proper.

Several commentors urged a change in the provision of § 210.4(b)(3) that applicants must return to the office where they were interviewed in order to receive a temporary resident card. However, a change in card issuance procedures would cause significant logistical and administrative difficulties which would threaten the overall efficiency of the legalization and special agricultural worker programs and result in other inconveniences to applicants.

One commentor suggested that the provision of § 210.4(c) that temporary residents who obtain that status under section 210 of the Act are not entitled to submit relative visa petitions is incorrect. The Service interprets section 210(a)(5) of the Act to the contrary.

Several commentors suggested that the termination provisions of section 210(d) are violative of section 242 of the Act. These provisions have been amended to render termination of temporary resident status automatic upon a final order of deportation.

Several commentors objected to the provisions of § 210.5(b) that a determination that an alien has maintained temporary resident status be made before his or her status may be adjusted to that of a permanent resident. The Service regards a brief review of

eligibility, admissibility, and presence in the U.S. as a wholly appropriate and necessary part of the process of adjusting aliens to full permanent resident status. Section 210.5(a) has been amended to conform to the revised overseas processing procedures.

Approved overseas applicants will be adjusted to temporary resident status as of the date they enter the United States. Therefore, approved applicants who enter after the application period will be adjusted to permanent resident status one or two years (Group 1 or 2, respectively) following their date of adjustment to temporary resident status. The language of § 210.5(b)(2) has been amended to render it consistent with the revised provisions for termination of temporary resident status at § 210.4(d).

In order to permit prospective applicants to prepare to file, Form I-700, Application for Temporary Resident Status as a Special Agricultural Worker, was prepared and distributed before the development of this final rule. Certain instructions and items on Form I-700 are therefore inconsistent with the final rule. These are as follows:

1. Instruction number 1 states that aliens must have been in the United States since November 8, 1986, to file applications in the United States. Under this rule, aliens who were in the United States prior to May 1, 1987, may file applications in the United States.
2. Instruction number 4 states that an alien who has assisted in the persecution of others is ineligible for special agricultural status. Though aliens who have assisted in the persecution of others may be excludable under certain provisions of section 212(a) of the Act, assistance in persecution per se no longer constitutes an automatic ground of ineligibility. Item 24 will be deleted.
3. Instruction number 7 states that applicants outside the United States may be fingerprinted at United States consulates. However, overseas processing offices will only require the submission of fingerprints in cases where consular offices have reason to believe a criminal/national security background check should be initiated.
4. Instruction number 9 states that all documents must be submitted in the original. This rule requires the submission of original documents "wherever possible" at the time of interview. They need not accompany mailed-in applications, which can be supported with certified copies of original documents.
5. Item 25 will be amended to inquire as to receipt of public cash assistance by family members.

A revised Form I-700 is currently being developed. In the interim, an addendum to Form I-700 will be distributed to ensure that correct information regarding eligibility and documentary requirements is available to applicants.

In accordance with 5 U.S.C. 605(b), the Commissioner certifies that this rule will not have a significant economic impact on a substantial number of small entities.

This is not a major rule as defined within the meaning of section 1(b) of EO 12291.

The information collection requirements contained in this regulation have been cleared by OMB under the Paperwork Reduction Act.

#### List of Subjects in 8 CFR Part 210

Aliens, Permanent resident status, Reporting and recordkeeping requirements, Temporary resident status.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended by adding a new Part 210 to read as follows:

### PART 210—SPECIAL AGRICULTURAL WORKERS

- Sec.
- 210.1 Definition of terms used in this part.
  - 210.2 Application for Temporary Resident Status.
  - 210.3 Eligibility.
  - 210.4 Status and Benefits.
  - 210.5 Adjustment to Permanent Resident Status.
- Authority: Pub. L. 99-603, 100 Stat. 3359; 8 U.S.C. 1101 note.

#### § 210.1 Definition of terms used in this part.

- (a) *Act*. The Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986.
- (b) *Application period*. The 18-month period during which an application for adjustment of status to that of a temporary resident may be accepted, begins on June 1, 1987, and ends on November 30, 1988.
- (c) *Complete application*. A complete application consists of an executed Form I-700, Application for Temporary Resident Status as a Special Agricultural Worker, evidence of qualifying agricultural employment and residence, a report of medical examination, and the prescribed number of photographs. An application is not complete until the required fee has been paid and recorded.
- (d) *Determination process*. Determination process as used in this part means reviewing and evaluating all

information provided pursuant to an application for the benefit sought and making a determination thereon. If fraud, willful misrepresentation of a material fact, a false writing or document, or any other activity prohibited by section 210(b)(7) of the Act is discovered during the determination process the Service shall refer the case to a U.S. Attorney for possible prosecution and/or issue an Order to Show Cause and Warrant of Arrest as provided in § 210.2(e)(4) of this part.

(e) *Family unity*. The term "family unity" as used in section 210(c)(2)(B)(i) of the Act means maintaining the family group without deviation or change. The family group shall include the spouse, unmarried minor children who are not members of some other household, and parents who reside regularly in the household of the family group.

(f) *Group 1*. Special agricultural workers who have performed qualifying agricultural employment in the United States for at least 90 man-days in the aggregate in each of the twelve-month periods ending on May 1, 1984, 1985, and 1986, and who have resided in the United States for six months in the aggregate in each of those twelve-month periods.

(g) *Group 2*. Special agricultural workers who during the twelve-month period ending on May 1, 1986 have performed at least 90 man-days in the aggregate of qualifying agricultural employment in the United States.

(h) *Legalization Office*. Legalization offices are local offices of the Immigration and Naturalization Service which accept and process applications for legalization or special agricultural worker status, under the authority of the district directors in whose districts such offices are located.

(i) *Man-day*. The term "man-day" means the performance during any day of not less than one hour of qualifying agricultural employment for wages paid. If employment records relating to an alien applicant show only piece rate units completed, then any day in which piece rate work was performed shall be counted as a man-day. Work for more than one employer in a single day shall be counted as no more than one man-day for the purposes of this part.

(j) *Nonfrivolous application*. A complete application will be determined to be nonfrivolous at the time the applicant appears for an interview at a legalization or overseas processing office if it contains: (1) Evidence or information which shows on its face that the applicant is admissible to the United States or, if inadmissible, that the

applicable grounds of excludability may be waived under the provisions of section 210(c)(2)(i) of the Act, and (2) evidence or information which shows on its face that the applicant performed at least 90 man-days of employment in seasonal agricultural services during the twelve-month period from May 1, 1985 through May 1, 1986, and (3) documentation which establishes a reasonable inference of the performance of the seasonal agricultural services claimed by the applicant.

(k) *Overseas processing office.* Overseas processing offices are offices outside the United States at which applications for adjustment to temporary resident status as a special agricultural worker are received, processed, referred to the Service for adjudication or denied. The Secretary of State has designated diplomatic and consular offices for this purpose as follows: In Mexico: The Embassy at Mexico City and Consulate General at Monterrey; in all other countries: The immigrant visa issuing office at which the alien, if an applicant for an immigrant visa, would make such application. Consular officers assigned to such offices are authorized to recommend approval of an application for special agricultural worker status to the Service if the alien establishes eligibility for approval and to deny such an application if the alien fails to establish eligibility for approval or is found to have committed fraud or misrepresented facts in the application process.

(l) *Public cash assistance.* Public cash assistance means income or needs-based monetary assistance. This includes but is not limited to supplemental security income received by the alien or his immediate family members through federal, state, or local programs designed to meet subsistence levels. It does not include assistance in kind, such as food stamps, public housing, or other non-cash benefits, nor does it include work-related compensation or certain types of medical assistance (Medicare, Medicaid, emergency treatment, services to pregnant women or children under 18 years of age, or treatment in the interest of public health).

(m) *Qualified designated entity.* A qualified designated entity is any state, local, church, community, or voluntary agency, farm labor organization, association of agricultural employers or individual designated by the Service to assist aliens in the preparation of applications for Legalization and/or Special Agricultural Worker status.

(n) *Qualifying agricultural employment.* Qualifying agricultural

employment means the performance of "seasonal agricultural services" as found at section 210(h) of the Act and as defined in regulations by the Secretary of Agriculture.

*Note.*—Regulatory definition will be provided by the Department of Agriculture and published by the Immigration and Naturalization Service as an amendment to this regulation.

(o) *Regional processing facility.* Regional Processing Facilities are Service offices established in each of the four Service regions to adjudicate, under the authority of the Directors of the Regional Processing Facilities, applications for adjustment of status under sections 210 and 245a of the Act.

(p) *Service.* The Immigration and Naturalization Service (INS).

(q) *Special agricultural worker.* Any individual granted temporary resident status in the Group 1 or Group 2 classification or permanent resident status under section 210(a) of the Act.

#### § 210.2 Application for temporary resident status.

(a)(1) *Application for temporary resident status.* An alien agricultural worker who believes that he or she is eligible for adjustment of status under the provisions of § 210.3 of this part may file an application for such adjustment at a qualified designated entity, at a legalization office, or at an overseas processing office outside the United States. Such application must be filed within the application period except that an alien described in paragraph (b)(2) of this section must file such application during the period specified therein.

(2) *Application for Group 1 status.* An alien who believes that he or she qualifies for Group 1 status as defined in § 210.1(f) of this part and who desires to apply for that classification must so endorse his or her application at the time of filing. Applications not so endorsed will be regarded as applications for Group 2 status as defined in § 210.1(g) of this part.

(3) *Numerical limitations.* The numerical limitations of sections 201 and 202 of the Act do not apply to the adjustment of aliens to lawful temporary or permanent resident status under section 210 of the Act. No more than 350,000 aliens may be granted temporary resident status in the Group 1 classification. If more than 350,000 aliens are determined to be eligible for Group 1 classification, the first 350,000 applicants, in chronological order by date the application is filed at a legalization or overseas processing office, whose applications are approved for Group 1 status shall be accorded that classification. Other applicants who

may be eligible for Group 1 classification shall be classified as Group 2 aliens. There is no limitation on the number of aliens whose resident status may be adjusted from temporary to permanent in Group 2 classification.

(b) *Filing date of application.*—(1) *General.* The date the alien submits an application to a qualified designated entity, legalization office or overseas processing office shall be considered the filing date of the application, provided that in the case of an application filed at a qualified designated entity the alien has consented to have the entity forward the application to a legalization office. Qualified designated entities are required to forward completed applications to the appropriate legalization office within 60 days after the applicant gives consent for such forwarding. Except as provided in paragraph (b)(2) of this section, applications must be filed no later than November 30, 1988.

(2) *Filing date for eligible aliens apprehended prior to the application period.* An alien who was apprehended by the Service on or after November 6, 1986 and prior to June 1, 1987, who is eligible to file an application in the United States under paragraph (c)(1) of this section and who was released from Service custody based on a nonfrivolous claim to eligibility for adjustment of status under section 210 of the Act must file an application for adjustment of status during the period beginning on June 1, 1987 and ending on June 30, 1987. This limitation does not apply to aliens who file overseas.

(c) *Filing of application.*—(1) *General.* The application must be filed on Form I-700 at a qualified designated entity, at a legalization office, or at an overseas processing office. Only aliens who were physically present in the United States before May 1, 1987 may file applications in the United States. Aliens who were not present in the United States prior to May 1, 1987 must file an application at the overseas processing office having jurisdiction over their current foreign residence, or, if they are currently in the United States, at the overseas processing office having jurisdiction over the place of their last foreign residence prior to coming to the United States.

(2) *Applications in the United States.* (i) The application must be filed on Form I-700 with the required fee and, if the applicant is 14 years or older, the application must be accompanied by a completed Form FD-258 (Fingerprint Card).

(ii) All fees for applications filed in the United States must be submitted in

the exact amount in the form of a money order, cashier's check, or bank check made payable to the Immigration and Naturalization Service. No personal checks or currency will be accepted. Fees will not be waived or refunded under any circumstances.

(iii) In the case of an application filed at a legalization office, including an application received from a qualified designated entity, the district director may, at his or her discretion, require filing either by mail or in person, or may permit filing in either manner. The applicant must appear at the legalization office as scheduled.

(iv) Each applicant, regardless of age, must appear at the appropriate Service legalization office and must be fingerprinted for the purpose of issuance of Form I-688. Each applicant shall be interviewed by an immigration officer, except that the interview may be waived when it is impractical because of the health of the applicant.

(3) *Filing at overseas processing offices.*

(i) The application must be filed on Form I-700 and must include a complete State Department Form OF-179 (Biographic Data for Visa Purposes).

(ii) Every applicant must appear at the appropriate overseas processing office to be interviewed by a consular officer. The overseas processing office will inform each applicant of the date and time of the interview. At the time of the interview every applicant shall submit the required fee.

(iii) All fees for applications submitted to an overseas processing office shall be submitted in United States currency, or in the currency of the country in which the overseas processing office is located. Fees will not be waived or refunded under any circumstances.

(iv) An applicant at an overseas processing office whose application is recommended for approval shall be provided with an entry document attached to the applicant's file. Upon admission to the United States, the applicant shall proceed to a legalization office for presentation or completion of Form FD-258 (Fingerprint Card), presentation of the applicant's file and issuance of the employment authorization Form I-688A.

(d) *Medical examination.* An applicant under this part must be examined at no expense to the government by a designated civil surgeon or, in the case of an applicant abroad, by a physician or clinic designated to perform medical examinations of immigrant visa applicants. The medical report setting forth the findings concerning the mental and physical condition of the applicant

shall be incorporated into the record. Any applicant certified under paragraphs (1), (2), (3), (4), or (5) of section 212(a) of the Act may appeal to a Board of Medical Officers of the U.S. Public Health Service as provided in section 234 of the Act and Part 235 of this chapter.

(e) *Limitation on access to information and confidentiality.* (1) Except for consular officials engaged in the processing of applications overseas and employees of a qualified designated entity where an application is filed with that entity, no person other than a sworn officer or employee of the Department of Justice or bureau or agency thereof, will be permitted to examine individual applications. For purposes of this part, any contract personnel employed by the Service to work in connection with the legalization program shall be considered an "employee of the Department of Justice or bureau or agency thereof."

(2) Files and records prepared by qualified designated entities under this section are confidential. The Attorney General and the Service shall not have access to these files and records without the consent of the alien.

(3) All information furnished pursuant to an application for temporary resident status under this part including documentary evidence filed with the application shall be used only in the determination process or to enforce the provisions of section 210(b)(7) of the Act, relating to fraud and false statements in applications as provided in paragraph (e)(4) of this subsection.

(4) If a determination is made by the Service that the alien has, in connection with his or her application, engaged in fraud or willful misrepresentation or concealment of a material fact, knowingly provided a false writing or document in making his or her application, knowingly made a false statement or representation, or engaged in any other activity prohibited by section 210(b)(7) of the Act, the Service shall refer the matter to the U.S. Attorney for prosecution of the alien or any person who created or supplied a false writing or document for use in an application for adjustment of status under this part. If prosecution is declined, the Service may issue an order to show cause and warrant of arrest if the United States Attorney returns the matter to the Service for initiation of deportation proceedings in lieu of prosecution.

(f) *Decision.* The applicant shall be notified in writing of the decision and, if the application is denied, of the reason(s) therefor. Appeal from an adverse decision under this part may be

taken by the applicant, including an overseas applicant, on Form I-694, in accordance with the provisions of § 103.3(a)(2) of this chapter. An applicant for Group 1 status as defined in § 210.1(f) of this part who is determined to be ineligible for that status may be classified as a temporary resident under Group 2 as defined in § 210.1(g) of this part if otherwise eligible for Group 2 status. In such a case the applicant shall be notified of the decision to accord him or her Group 2 status and to deny Group 1 status. He or she is entitled to file an appeal in accordance with the provisions of § 103.3(a)(2) of this chapter from that portion of the decision denying Group 1 status. In the case of an applicant who is represented in the application process by a qualified designated entity, or other entity or individual, the applicant's representative shall also receive notification of decisions specified in this section.

(g) *Motions.* In accordance with the provisions of § 103.5(b) of this chapter, the director of a regional processing facility or a consular officer at an overseas processing office may *sua sponte* reopen any proceeding under this part under his or her jurisdiction and reverse any adverse decision in such proceeding when appeal is taken under § 103.3(a)(2) of this part from such adverse decision; the Associate Commissioner, Examinations, and the Chief of the Administrative Appeals Unit may *sua sponte* reopen any proceeding conducted by that unit under this part and reconsider any decision rendered in such proceeding. The decision must be served on the appealing party within forty-five (45) days of receipt of any briefs and/or new evidence, or upon expiration of the time allowed for the submission of any briefs. Motions to reopen a proceeding or reconsider a decision shall not be considered under this part.

(h) *Certifications.* The regional processing facility director may, in accordance with section 103.4 of this chapter, certify a decision to the Associate Commissioner, Examinations when the case involves an unusually complex or novel question of law or fact. A consular officer assigned to an overseas processing office is authorized to certify a decision in the same manner and upon the same basis.

§ 210.3 Eligibility.

(a) *General.* An alien who, during the twelve-month period ending on May 1, 1986, has engaged in qualifying agricultural employment in the United States for at least 90 man-days is

eligible for status as an alien lawfully admitted for temporary residence if otherwise admissible under the provisions of section 210(c) of the Act and if he or she is not ineligible under the provision of subsection (d) of this section.

(b) *Proof of eligibility.*—(1) *Burden of proof.* An alien applying for adjustment of status under this part has the burden of proving by a preponderance of the evidence that he or she has worked the requisite number of man-days, is admissible to the United States under the provisions of section 210(c) of the Act, is otherwise eligible for adjustment of status under this section and in the case of Group 1 applicant, has resided in the United States for the requisite periods. If the applicant cannot provide documentation which shows qualifying employment for each of the requisite man-days, or in the case of a Group 1 applicant, which meets the residence requirement, the applicant may meet his or her burden of proof by providing documentation sufficient to establish the requisite employment or residence as a matter of just and reasonable inference. The inference to be drawn from the documentation provided shall depend on the extent of the documentation, its credibility and amenability to verification as set forth in paragraphs (b) (2) and (3) of this section. If an applicant establishes that he or she has in fact performed the requisite qualifying agricultural employment by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference, the burden then shifts to the Service to disprove the applicant's evidence by showing that the inference drawn from the evidence is not reasonable.

(2) *Evidence.* The sufficiency of all evidence produced by the applicant will be judged according to its probative value and credibility. Original documents will be given greater weight than copies. To meet his or her burden of proof, an applicant must provide evidence of eligibility apart from his or her own testimony. Analysis of evidence submitted will include consideration of the fact that work performed by minors and spouses is sometimes credited to a principal member of a family.

(3) *Verification.* Affidavits and other personal testimony by an applicant which are not corroborated, in whole or in part, by other credible evidence (including testimony of persons other than the applicant) will not serve to meet an applicant's burden of proof. All evidence of identity, qualifying employment, admissibility, and eligibility submitted by an applicant for

adjustment of status under this part will be subject to verification by the Service. Failure by an applicant to release information protected by the Privacy Act or related laws when such information is essential to the proper adjudication of an application may result in denial of the benefit sought. The Service may solicit from agricultural producers, farm labor contractors, collective bargaining organizations and other groups or organizations which maintain records of employment, lists of workers against which evidence of qualifying employment can be checked. If such corroborating evidence is not available and the evidence provided is deemed insufficient, the application may be denied.

(c) *Documents.* A complete application for adjustment of status filed under this part must be accompanied by proof of identity, evidence of qualifying employment, evidence of residence and such evidence of admissibility or eligibility as is required hereunder and as may be requested by the examining immigration officer in accordance with such requirement. At the time of filing, certified copies of documents may be submitted in lieu of originals. However, at the time of the interview, wherever possible, the original documents must be presented except for the following: Official government records; employment or employment related records maintained by employers, unions, or collective bargaining organizations; medical records; school records maintained by a school or school board; or other records maintained by a party other than the applicant. Copies of records maintained by parties other than the applicant which are submitted in evidence must be certified as true and correct by such parties and must bear their seal or signature or the signature and title of persons authorized to act in their behalf. If at the time of the interview the return of original documents is desired by the applicant, they must be accompanied by notarized copies or copies certified true and correct by a qualified designated entity or by the alien's representative in the format prescribed in § 204.2(j) (1) or (2) of this chapter. At the discretion of the district director or consular officer, original documents, even if accompanied by certified copies, may be temporarily retained for further examination.

(1) *Proof of identity.* Evidence to establish identity is listed below in descending order of preference:

- (i) Passport;
- (ii) Birth certificate;

(iii) Any national identity document from a foreign country bearing a photo and/or fingerprint (e.g., "cedula", "cartilla", "carte d'identite," etc.);

(iv) Driver's license or similar document issued by a state if it contains a photo;

(v) Baptismal record or marriage certificate;

(vi) Affidavits, or

(vii) Such other documentation which may establish the identity of the applicant.

(2) *Assumed names.*—(i) *General.* In cases where an applicant claims to have met any of the eligibility criteria under an assumed name, the applicant has the burden of proving that the applicant was in fact the person who used that name.

(ii) *Proof of common identity.* The most persuasive evidence is a document issued in the assumed name which identifies the applicant by photograph, fingerprint or detailed physical description. Other evidence which will be considered are affidavit(s) by a person or persons other than the applicant, made under oath, which identify the affiant by name and address and state the affiant's relationship to the applicant and the basis of the affiant's knowledge of the applicant's use of the assumed name. Affidavits accompanied by a photograph which has been identified by the affiant as the individual known to the affiant under the assumed name in question will carry greater weight. Other documents showing the assumed name may serve to establish the common identity when substantiated by corroborating detail.

(3) *Proof of employment.* The applicant may establish qualifying employment through government employment records, or records maintained by agricultural producers, farm labor contractors, collective bargaining organizations and other groups or organizations which maintain records of employment, or such other evidence as worker identification issued by employers or collective bargaining organizations, union membership cards or other union records such as dues receipts or records of the applicant's involvement or that of his or her immediate family with organizations providing services to farmworkers, or work records such as pay stubs, piece work receipts, W-2 Forms or certification of the filing of Federal income tax returns on IRS Form 6166, or state verification of the filing of state income tax returns. Affidavits may be submitted under oath, by agricultural producers, foremen, farm labor contractors, union officials, fellow employees, or other persons with

specific knowledge of the applicant's employment. The affiant must be identified by name and address; the name of the applicant and the relationship of the affiant to the applicant must be stated; and the source of the information in the affidavit (e.g. personal knowledge, reliance on information provided by others, etc.) must be indicated. The affidavit must also provide information regarding the crop and the type of work performed by the applicant and the period during which such work was performed. The affiant must provide a certified copy of corroborating records or state the affiant's willingness to personally verify the information provided. The weight and probative value of any affidavit accepted will be determined on the basis of the substance of the affidavit and any documents which may be affixed thereto which may corroborate the information provided.

(4) *Proof of residence.* Evidence to establish residence in the United States during the requisite period(s) includes: Employment records as described in paragraph (c)(3) of this section; utility bills (gas, electric, phone, etc.), receipts, or letters from companies showing the dates during which the applicant received service; school records (letters, report cards, etc.) from the schools that the applicant or his or her children have attended in the United States showing the name of school, name and, if available, address of student, and periods of attendance, and hospital or medical records showing similar information; attestations by churches, unions, or other organizations to the applicant's residence by letter which: Identify applicant by name, are signed by an official (whose title is shown), show inclusive dates of membership, state the address where applicant resided during the membership period, include the seal of the organization impressed on the letter, establish how the author knows the applicant, and the origin of the information; and additional documents that could show that the applicant was in the United States at a specific time, such as: Money order receipts for money sent out of the country; passport entries; birth certificates of children born in the United States; bank books with dated transactions; letters of correspondence between the applicant and another person or organization; Social Security card; Selective Service card; automobile license receipts, title, vehicle registration, etc.; deeds, mortgages, contracts to which applicant has been a party; tax receipts; insurance policies, receipts, or letters; and any other

document that will show that applicant was in the United States at a specific time. For Group 2 eligibility, evidence of performance of the required 90 man-days of seasonal agricultural services shall constitute evidence of qualifying residence.

(5) *Proof of financial responsibility.* Generally, the evidence of employment submitted under paragraph (c)(3) of this section will serve to demonstrate the alien's financial responsibility. If it appears that the applicant may be inadmissible under section 212(a)(15) of the Act, he or she may be required to submit documentation showing a history of employment without reliance on public cash assistance for all periods of residence in the United States.

(d) *Ineligible classes.* The following classes of aliens are ineligible for temporary residence under this part:

(1) An alien who at any time was a nonimmigrant exchange visitor under section 101(a)(15)(J) of the Act who is subject to the two-year foreign residence requirement unless the alien has complied with that requirement or the requirement has been waived pursuant to the provisions of section 212(e) of the Act;

(2) An alien who was in the custody of the Service or was apprehended as a deportable alien after November 6, 1986 and prior to June 1, 1987 who was determined to have a nonfrivolous claim to eligibility for adjustment of status under the provisions of section 210(d)(1) of the Act and who does not file an application for adjustment of status to that of temporary resident under this part prior to July 1, 1987;

(3) An alien excludable under the provisions of section 212(a) of the Act whose grounds of excludability may not be waived, pursuant to section 210(c)(2)(B)(ii) of the Act.

(e) *Exclusion grounds—(1) Grounds of exclusion not to be applied.* Sections (14), (20), (21), (25), and (32) of section 212(a) of the Act shall not apply to applicants applying for temporary resident status.

(2) *Waiver of grounds for exclusion.* Except as provided in paragraph (e)(3) of this section, the Service may waive any other provision of section 212(a) of the Act only in the case of individual aliens for humanitarian purposes, to assure family unity, or when the granting of such a waiver is in the public interest. If an alien is excludable on grounds which may be waived as set forth in this paragraph, he or she shall be advised of the procedures for applying for a waiver of grounds of excludability on Form I-690. When an application for waiver of grounds of

excludability is filed jointly with an application for temporary residence under this section, it shall be accepted for processing at the legalization office or overseas processing office. If an application for waiver of grounds of excludability is submitted after the alien's preliminary interview at the legalization office it shall be forwarded to the appropriate regional processing facility. All applications for waivers of grounds of excludability must be accompanied by the correct fee in the exact amount. All fees for applications filed in the United States must be in the form of a money order, cashier's check, or bank check. No personal checks or currency will be accepted. Fees will not be waived or refunded under any circumstances. Generally, an application for waiver of grounds of excludability under this part submitted at a legalization office or overseas processing office will be approved or denied by the director of the regional processing facility in whose jurisdiction the applicant's application for adjustment of status was filed. However, in cases involving clear statutory ineligibility or admitted fraud, such application for a waiver may be denied by the district director in whose jurisdiction the application is filed; in cases filed at overseas processing offices, such application for a waiver may be denied by a consular officer; or, in cases returned to a legalization office for reinterview, such application may be approved at the discretion of the district director. The applicant shall be notified of the decision and, if the application is denied, of the reason(s) therefor. The applicant may appeal the decision within 30 days after the service of the notice pursuant to the provisions of § 103.3(a)(2) of this chapter.

(3) *Grounds of exclusion that may not be waived.* The following provisions of section 212(a) of the Act may not be waived:

- (i) Paragraphs (9) and (10) (criminals);
- (ii) Paragraph (15) (public charge) except as provided in paragraph (c)(4) of this section.
- (iii) Paragraph (23) (narcotics) except for a single offense of simple possession of thirty grams or less of marijuana.
- (iv) Paragraphs (27), (prejudicial to the public interest), (28) (communists), and (29) (subversive);
- (v) Paragraph (33) (nazi persecution).

(4) *Special rule for determination of public charge.* An applicant who has a consistent employment history which shows the ability to support himself and his or her family, even though his income may be below the poverty level, is not excludable under paragraph

(e)(3)(ii) of this section. The applicant's employment history need not be continuous in that it is uninterrupted. It should be continuous in the sense that the applicant shall be regularly attached to the workforce, has an income over a substantial period of the applicable time, and has demonstrated the capacity to exist on his or her income and maintain his or her family without reliance on public cash assistance. This regulation is prospective in that the Service shall determine, based on the applicant's history, whether he or she is likely to become a public charge. Past acceptance of public cash assistance within a history of consistent employment will enter into this decision. The weight given in considering applicability of the public charge provisions will depend on many factors, but the length of time an applicant has received public cash assistance will constitute a significant factor.

#### § 210.4 Status of benefits.

(a) *Date of adjustment.* The status of an alien whose application for temporary resident status is approved shall be adjusted to that of a lawful temporary resident as of the date on which the fee was paid at a legalization office, except that the status of an alien who applied for such status at an overseas processing office whose application has been recommended for approval by that office shall be adjusted as of the date of his or her admission into the United States.

(b) *Employment and travel authorization—(1) General.* Authorization for employment and travel abroad for temporary resident status applicants under section 210 of the Act may only be granted by a Service legalization office. In the case of an application which has been filed with a qualified designated entity, employment authorization may only be granted after a nonfrivolous application has been received at a legalization office, and receipt of the fee has been recorded.

(2) *Employment authorization prior to the granting of temporary resident status.* Permission to travel abroad and to accept employment will be granted to the applicant, after an interview has been conducted in connection with a nonfrivolous application at a legalization office. If an interview appointment cannot be scheduled within 30 days from the date an application is filed at a legalization office, authorization to accept employment will be granted valid to the scheduled appointment date. The appointment letter will be endorsed with the temporary employment authorization.

Employment authorization subsequent to an interview will be granted on Service Form I-688A, and will be restricted to six months duration, pending final determination on the application for temporary resident status. If a final determination has not been made on the application prior to the expiration date of the I-688A, that date may be extended upon return of the I-688A by the applicant to the legalization office where it was obtained.

(3) *Employment and travel authorization upon grant of temporary resident status.* Upon grant of an application for adjustment to temporary resident status by a regional processing facility, the processing facility will forward a notice of approval to the applicant at his or her last known address and to his or her qualified designated entity or representative. The applicant will be required to return to the legalization office where the application was initially received, surrender the I-688A previously issued, and will be issued Form I-688, Temporary Resident Card, authorizing employment and travel abroad. An alien whose status is adjusted to that of a lawful temporary resident under section 210 of the Act has the right to reside in the United States, to travel abroad (including commuting from a residence abroad), and to accept employment in the United States in the same manner as aliens lawfully admitted for permanent residence.

(c) *Ineligibility for immigration benefits.* An alien whose status is adjusted to that of a lawful temporary resident under section 210 of the Act is not entitled to submit a petition pursuant to section 203(a)(2) of the Act or to any other benefit or consideration accorded under the Act to aliens lawfully admitted for permanent residence, except as provided in paragraph (b)(3) of this section.

(d) *Termination of temporary resident status—(1) General.* The temporary resident status of a special agricultural worker is terminated automatically and without notice under section 210(a)(3) of the Act upon entry of a final order of deportation by an immigration judge based on a determination that the alien is deportable under section 241 of the Act.

(2) *Surrender of Form I-688.* An alien whose status as a temporary resident has been terminated under this section shall, upon demand, promptly surrender Form I-688, Temporary Resident Card, to the district director having jurisdiction over the alien's place of

residence or, in the case of a commuter, employment.

#### § 210.5 Adjustment to permanent resident status.

(a) *Eligibility and date of adjustment to permanent resident status.* The status of an alien lawfully admitted to the United States for temporary residence under section 210(a)(1) of the Act, if the alien has otherwise maintained such status as required by the Act, shall be adjusted to that of an alien lawfully admitted to the United States for permanent residence as of the following dates:

(1) *Group 1.* Aliens determined to be eligible for Group 1 classification whose adjustment to temporary residence occurred prior to November 30, 1988, shall be adjusted to lawful permanent residence as of December 1, 1989. Those aliens whose adjustment to temporary residence occurred after November 30, 1988 shall be adjusted to lawful permanent residence one year from the date of the adjustment to temporary residence.

(2) *Group 2.* Aliens determined to be eligible for Group 2 classification whose adjustment to temporary residence occurred prior to November 30, 1988, shall be adjusted to lawful permanent residence as of December 1, 1990. Those aliens whose adjustment to temporary residence occurred after November 30, 1988 shall be adjusted to lawful permanent residence two years from the date of the adjustment to temporary residence.

(b) *Maintenance of temporary resident status; ADIT processing—(1) General.* Before the status of an alien lawfully admitted for temporary residence under section 210(a)(1) of the Act can be adjusted to that of an alien lawfully admitted for permanent residence, the alien must appear at a legalization office or such other Service office as is designated for this purpose for a determination that he or she has maintained temporary resident status, and for completion of processing for issuance of Form I-551, Alien Registration Receipt Card.

(2) *Maintenance of status.* Information provided by the alien concerning his or her maintenance of status will be subject to Service verification. The status of an alien described in paragraph (b)(1) of this section who has maintained temporary resident status will be adjusted to that of an alien lawfully admitted for permanent residence effective on the date appropriate for his or her group as provided in paragraph (a) of this section. The alien must execute an affidavit

stating that he or she has maintained status as a temporary resident. An alien who the examining officer believes to be deportable under section 241 of the Act is subject to issuance of an order to show cause and warrant of arrest and, if found to be deportable by an immigration judge, to termination of temporary resident status as provided in § 210.4(d) of this part. An alien who is excludable under section 210(c) of the Act who is not deportable under section 241 of the Act is not subject to termination of temporary resident status if the ground of excludability arose subsequent to the adjustment of the alien's status to that of a temporary resident. If the alien is deportable under section 241(a) of the Act because he or she was excludable at the time his or her status was adjusted to that of a lawful temporary resident, he or she shall be advised of the procedures for applying for a waiver of grounds of excludability if a waiver is available under section 210(c) of the Act. If the alien applies for such a waiver, and the waiver is granted after the dates of adjustment set in paragraph (a) of this section, the adjustment of the alien's status to that of an alien lawfully admitted for permanent residence shall be recorded as of the date of adjustment appropriate for his or her group.

(3) *ADIT Processing.* An alien described in paragraph (b)(1) of this section must provide suitable ADIT photographs, and a fingerprint and signature must be obtained from the alien on Form I-89.

Dated: April 28, 1987.

Alan C. Nelson,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 87-9894 Filed 4-30-87; 8:45 am]

BILLING CODE 4410-10-M

#### 8 CFR Part 245A

[INS Number: 1022-87]

#### Adjustment of Status for Certain Aliens

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Final rule.

**SUMMARY:** This rule implements section 245A of the Immigration and Nationality Act as amended by section 201 of the Immigration Reform and Control Act of 1986 ("IRCA"). Section 201 of IRCA directs the Attorney General to adjust the status of certain aliens to that of aliens lawfully admitted for temporary residence if they meet certain requirements. This section also directs

the Attorney General to adjust the status of a temporary resident alien to that of an alien lawfully admitted for permanent residence if the alien meets certain requirements.

**EFFECTIVE DATE:** May 1, 1987.

**FOR FURTHER INFORMATION CONTACT:** William S. Slattery, Assistant Commissioner, Legalization, (202) 786-3658.

**SUPPLEMENTARY INFORMATION:** On November 6, 1986, the President signed into law the Immigration Reform and Control Act of 1986, Pub. L. 99-603 ("IRCA"). This legislation, the most comprehensive reform of our immigration laws since the enactment of the Immigration and Nationality Act ("INA") in 1952, reflects a resolve to strengthen law enforcement to control illegal immigration. It also reflects the Nation's concerns for certain aliens who have been residing illegally in the United States. The theme of this legislation is focused upon regaining control of our Nation's borders and eliminating the illegal alien problem in this country through the firm yet fair enforcement of our Nation's laws. With the benefits of legalization and employer's sanctions, and the penalties for fraud in conjunction with both programs, this legislation will demonstrate that the only mode of entry into the United States will be the legal mode.

Section 201 of IRCA, the subject of this final rule, provides for the legalization of status of certain aliens who have been residing illegally in the United States since before January 1, 1982. At the same time, as stated under certain provisions of section 201 of IRCA, Congress' intent that aliens eligible for the legalization program be admissible as immigrants, is reflected through the requirement that the aliens meet certain standards of eligibility.

Since November 6, 1986, the Immigration and Naturalization Service has taken a number of steps to insure that the new legislation will be implemented effectively, efficiently and fairly. Service officials have engaged in a continuing dialogue with members of the public and representatives of interested organizations on how to implement this legislation. On January 20, 1987, the Service took the unprecedented step of publishing in the *Federal Register* a notice making available to the public the preliminary working draft regulations (52 FR 2115). More than 6,800 persons requested and received a copy of this draft. As a result, 164 individuals and interested organizations submitted written comments. All comments were seriously

considered by the Service. A number of the suggestions received by the Service were incorporated in the proposed rule.

The Immigration and Naturalization Service published a notice of proposed rulemaking on the implementation of the legalization provisions of "IRCA" in the *Federal Register* on March 19, 1987 (52 FR 8752). 549 comments were received in response to the proposed rule. The provisions of the proposed rule which received a significant number of comments will be discussed separately.

#### Summary of the Final Rule

The final rule amends 8 CFR Part 245 by creating a new Part 245a. The final rule permits certain aliens, who are otherwise eligible, to adjust their status to that of aliens lawfully admitted for temporary residence.

Aliens who are eligible to apply include: Aliens who entered the United States before January 1, 1982 and who have continued to reside in the United States in an unlawful status since such date and through the date the alien files an application under this rule; aliens who entered the United States prior to January 1, 1982 as nonimmigrants and whose period of authorized stay expired before January 1, 1982 or whose unlawful status was known to INS as of such date; aliens whose status is that of Cuban-Haitian Entrants; and, aliens who prior to January 1, 1982 were either granted extended voluntary departure (EVD) or were in a deferred action status.

All applicants for legalization, with certain exceptions for those applicants who have a Cuban-Haitian Entrant status, must meet certain requirements. In general, an applicant must establish:

- (1) Continuous residence in the United States since January 1, 1982;
- (2) continuous physical presence in the United States since November 6, 1986; and
- (3) admissibility as an immigrant.

Additionally, applicants must file a timely application as prescribed under this rule, submit the result of a prescribed medical examination and provide proof that they either have registered or are registering under the Military Selective Service Act, if required to be so registered under that Act.

This rule establishes a single level of appellate review to permit the applicant to challenge a denial of his or her application for temporary resident status. This rule also provides that that status shall be terminated by the Service upon the occurrence of certain events.

This rule also sets forth procedures and the substantive requirements for the

adjustment of status of temporary residents to that of permanent residents.

Finally, the rule provides that aliens who submit false documentation or make false representations in support of their application for legalization will be subject to criminal prosecution and eventual expulsion from the United States.

#### Key Provisions of the Final Rule

##### *Application Period*

An alien must file an application for legalization between May 5, 1987 and May 4, 1988. However, aliens who have been apprehended or served with an Order to Show Cause subsequent to November 6, 1986, must apply within thirty days of the beginning of the application period. Aliens who are apprehended or served with an Order to Show Cause during the application period must apply within thirty days but not later than May 4, 1988. Failure to apply within the application period, as fully set forth in this rule, will render the alien statutorily ineligible for legalization.

##### *Where to File the Application*

Form I-687 (Application for Status as a Temporary Resident) and supporting documentation may be filed either at a Service Legalization Office or with a Qualified Designated Entity ("QDE").

##### *What Documentation Should be Submitted to INS*

In addition to the completed Form I-687, the applicant must submit the result of a medical examination, an application for waivers of grounds of excludability, if applicable, and sufficient documentary information as fully set forth in this rule, to prove the applicant's identity, his or her continuous residence in the United States since January 1, 1982, and proof of financial responsibility.

##### *Eligibility Requirements*

(1) *Continuous residence since January 1, 1982.* An applicant otherwise eligible for legalization must prove that he or she "resided continuously" in the United States since January 1, 1982. However, certain absences will not be considered to have interrupted this continuous residence requirement. The Service initially considered that a single absence of more than 30 days or aggregate absences totaling more than 150 days would break the continuous residence requirement. However, in light of the public comments received on this subject, the Service reconsidered its position and under the proposed rule a single absence of 45 days or more and

aggregate absences of 180 days or more would break the continuous residence requirement.

In response to the proposed rule, 357 comments were received concerning this issue. The majority of commenters (233) were supportive of the periods of absences that were outlined in the proposed rule. The negative commenters (124) indicated that the proposed timeframes were far too restrictive.

After review and careful consideration of all comments, and with the support received for the language outlined in the proposed rule, no change from the language proposed in the proposal rule is warranted.

(2) *Continuous physical presence since November 6, 1986.* In addition to the continuous residence requirement since January 1, 1982, the applicant must prove that he has been continuously physically present in the United States since November 6, 1986. 130 comments were received in reference to this issue. In light of the comments received, all of which were in opposition to the definition found in the proposed rule, INS has reevaluated and reconsidered its position. Under this final rule, absences that are brief, casual, and innocent will not break the physical presence requirement if made before May 1, 1987. Aliens who were outside of the United States on the date of enactment or departed the United States after enactment may apply for legalization if they reentered prior to May 1, 1987, provided they meet the continuous residence requirements, and are otherwise eligible for legalization.

(3) *Definition of the term "Known to the Government".* An alien who entered the United States as a nonimmigrant before January 1, 1982, may be eligible for legalization if the alien's "unlawful status was known to the Government" as of January 1, 1982. The Service, in the proposed rule, interpreted the term "known to the Government" to mean "INS." This interpretation, as previously set forth in the preliminary draft regulations, was challenged by many commenters. The Service initially proposed that an alien's unlawful status would have been known by the Service if the Service had made an affirmative determination that the alien was subject to deportation proceedings. In light of the public comments, the Service reconsidered its initial proposal. Under the proposed rule, it was stated that if the Service received information as of January 1, 1982 from a federal agency reflecting the fact that the alien clearly expressed to the federal agency that he or she was in violation of his or her lawful status, and that information is contained in the alien's A-file, the

alien's unlawful status would be known to INS regardless of whether or not the Service made a determination that the alien was subject to deportation proceedings.

In response to the proposed rule, 91 comments concerning this issue were received. All of the comments clearly stated that the definition was far too restrictive and should be modified to include all Federal agencies. Some of the commenters further stated that state agencies should also be included.

Pursuant to section 103 of the INA, only the Attorney General is charged with the administration and enforcement of the immigration laws. Correspondingly, only the Attorney General can make a determination that an alien's status is "unlawful." To interpret the word "Government" to include Federal, State, and local agencies would make the administration of section 201 difficult, if not impossible, and would vest government agencies with an authority that Congress specifically granted only to the Attorney General.

Therefore, after review and careful consideration of all comments, INS has modified its position to include responses made by the Service to any other agency which advised that agency that a particular alien had no legal status in the United States or for whom no record could be found.

(4) *Admissible as an Immigrant.* An alien who meets the residence requirements must be admissible as an immigrant. This rule implements the statutory requirements that certain grounds of admissibility are not applicable, that other grounds may be waived, and that other grounds cannot be waived. This rule also defines the terms "felony" and "misdemeanor," both of which refer to crimes committed within the United States. This rule also sets forth procedures for obtaining waivers of those grounds of admissibility which may be waived. In determining a waiver based on "family unity" the proposed rule defines family unity as limited to spouses, unmarried minor children and parents.

In response to the proposed rule, 409 comments were received which addressed numerous areas of the admissibility standards.

The key issues outlined in these comments were the public charge and special rule for determination of public charge which received a majority of the comments (345). Of these comments, 314 commenters were clearly supportive of the language in the proposed rule. The remaining commenters indicated an unfairness of the proposed rule due to

the financial status of the population that IRCA was intended to serve. Further, numerous commenters raised the concern that INA may deny legalization benefits if public cash assistance was received by United States citizen children of legalization applicants. The position of INS is that the statute is clear regarding this subject and applicants may in fact be ineligible for legalization if such cash assistance was received by their U.S. citizen child. Neither medicaid nor medicare will be considered public cash assistance.

After review and careful consideration of all comments, INS has modified the language found in the proposed rule to reflect that the provisions of section 212(a)(15), of the INA, relating to the likelihood of becoming a public charge may be waived at the time of application for temporary resident status.

(5) *Administrative appellate review.* This final rule establishes a single level of administrative appellate review to adjudicate appeals from legalization decisions. The appellate authority is the Associate Commissioner for Examinations.

In response to the proposed rule, 78 comments were received concerning this issue. The commenters aired concerns regarding the inclusion of legalization appeals into the existing Administrative Appeals Unit (AAU). Although the authority for legalization appeals lies with the AAU, a separate unit within AAU is being established to adjudicate these appeals. After review and careful consideration of all comments, no deviation from the language found in the proposed rule is warranted.

(6) *Termination of temporary resident status.* Consistent with section 245A(b)(2) of IRCA, this final rule sets forth the procedural and substantive grounds for terminating the status of a temporary resident alien. The rule sets forth that a decision to terminate status may be appealed to the Associate Commissioner for Examinations.

(7) *Adjustment of temporary resident status to permanent resident status.* This rule sets forth the procedural and substantive requirements with which a temporary resident alien must comply in order to change his or her status to that of an alien lawfully admitted for permanent residence.

(8) *Documentation requirements.* In the preliminary working draft, INS outlined the documentation requirements to establish residence, identity, and financial responsibility. INS also required that all such documentation presented must be original documents.

In response to the proposed rule, 223 comments were received concerning the documentation requirements. A vast majority of the commenters stated both a reluctance and unfairness to requiring the submission of original documents to INS.

Upon review and careful consideration of all comments, INS has modified its position with regard to the submission of original documentation. This final rule allows for the filing of an application for legalization supported by copies of documents certified pursuant to § 204.2(j). Whenever possible, the originals of the supporting evidence must be presented at the time of the interview.

(9) *Temporary disqualification of newly legalized aliens from receiving certain public welfare assistance.* The Attorney General will publish a separate list of programs identified as programs of financial assistance furnished under federal law (whether through grant, loan, guarantee, or otherwise) on the basis of financial need which newly legalized aliens (with limited exceptions) may not receive for five (5) years.

(10) *Family unity.* Although not specifically addressed in the proposed rule, 134 comments were received concerning how INS will treat ineligible family members of legalized aliens that continue to reside illegally in the United States.

Aliens who apply for legalization and are found to be ineligible are protected by the confidentiality provisions of IRCA, as is information in that application. Such information includes that pertaining to family members. With such provisions existing, the information will not be used for the enforcement of other provisions of the INA (except in situations where fraud or willful misrepresentations are found to exist in the application process).

In contrast, the Service cannot use the regulatory process to substitute its judgment for that of the Congress and grant the equivalent of derivative status through any existing mechanisms such as voluntary departure (See 8 CFR 242.5). However, this is not a blanket prohibition against voluntary departure. Instead, district directors will continue to apply the provisions of 8 CFR 242.5 in those cases wherein it is determined that an ineligible family member has a humanitarian need to remain in the United States.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

The Immigration and Naturalization Service has decided to invoke the "good cause" exception to the 30 day effective date requirement of 5 U.S.C. 553(d) making the final regulations effective upon publication. The justification for waiving the 30 day effective date is as follows: Persons eligible for benefits under 245A of the Immigration and Nationality Act would be adversely affected if the Service were forced to wait 30 days before implementing the regulations. The statute provides a one year application period for legalization which is to begin no later than May 5, 1987. A 30 day effective date would reduce the application period by almost one month.

Congress provided the Immigration and Naturalization Service with a limited amount of time in which to promulgate regulations and implement this new provision of the law. In six months time the Service has had to acquire, furnish, and staff over 100 new INS offices. The staffing of these offices alone has entailed the hiring of over 2,000 employees who require training and instructions on the processing of legalization applications. These are the preparations which were necessary to implement only 245A. The three major sections of the Immigration Reform and Control Act of 1986 have affected millions of aliens as well as every employer in the United States.

Furthermore, the Service has made unprecedented efforts to provide the public the opportunity to comment and provide input in formulating the regulations. The Service provided the public with two opportunities to comment on the regulations. On January 20, 1987 a notice was published in the Federal Register notifying the public that preliminary draft regulations were available for public comment. More than 6,800 copies of the preliminary draft regulations were requested and over 164 comments were received from the public. Based on these comments the draft regulations were revised and published as proposed regulations in the Federal Register on March 19, 1987.

The Service acknowledges that modifications made in this final rule (Documentation and Physical Presence) effect the instructions on Form I-687. Revision of Form I-687 is underway. Where the instructions on Form I-687 are inconsistent with the provisions of this rule, the rule governs. The Service will provide to Service Legalization Offices, Qualified Designated Entities, and other interest groups with an addendum to be attached to Form I-687 already in circulation.

This is not a major rule as defined within the meaning of section 1(b) of EO 12291.

The information collection requirements contained in this regulation have been cleared by OMB under Paperwork Reduction Act.

#### List of Subjects in 8 CFR Part 245a

Aliens, Temporary resident status, Permanent resident status.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended by adding a new Part 245a to read as follows:

#### **PART 245a—ADJUSTMENT OF STATUS TO THAT OF PERSONS ADMITTED FOR LAWFUL TEMPORARY OR PERMANENT RESIDENT STATUS UNDER SECTION 245A OF THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED BY PUB. L. 99-603, THE IMMIGRATION REFORM AND CONTROL ACT OF 1986**

##### **Sec.**

##### **245a.1 Definitions.**

##### **245a.2 Application for temporary residence.**

##### **245a.3 Application for adjustment from temporary to permanent resident status.**

Authority: Pub. L. 99-603, 100 Stat. 3359; 8 U.S.C. 1101 note.

##### **§ 245a.1 Definitions.**

As used in this chapter:

(a) "Act" means the Immigration and Nationality Act, as amended by The Immigration Reform and Control Act of 1986.

(b) "Service" means the Immigration and Naturalization Service (INS).

(c)(1) "Resided continuously" as used in section 245A(a)(2) of the Act, means that the alien shall be regarded as having resided continuously in the United States if, at the time of filing of the application for temporary resident status:

(i) No single absence from the United States has exceeded forty-five (45) days, and the aggregate of all absences has not exceeded one hundred and eighty (180) days between January 1, 1982 through the date the application for temporary resident status is filed, unless the alien can establish that due to emergent reasons, his or her return to the United States could not be accomplished within the time period allowed;

(ii) The alien was maintaining residence in the United States; and

(iii) The alien's departure from the United States was not based on an order of deportation.

An alien who has been absent from the United States in accordance with the Service's advance parole procedures

shall not be considered as having interrupted his or her continuous residence as required at the time of filing an application.

(2) "Continuous residence," as used in section 245A(b)(1)(B) of the Act, means that the alien shall be regarded as having resided continuously in the United States if, at the time of applying for adjustment from temporary residence to permanent resident status: No single absence from the United States has exceeded thirty (30) days, and the aggregate of all absences has not exceeded ninety (90) days between the date of granting of lawful temporary resident status and of applying for permanent resident status, unless the alien can establish that due to emergent reasons the return to the United States could not be accomplished within the time period(s) allowed.

(d) In the term "alien's unlawful status was known to the government," the term "government" means the Immigration and Naturalization Service. An alien's unlawful status was "known to the government" only if:

(1) The Service received factual information constituting a violation of the alien's nonimmigrant status from any agency, bureau or department, or subdivision thereof, of the Federal government, and such information was stored or otherwise recorded in the official Service alien file, whether or not the Service took follow-up action on the information received. In order to meet the standard of "information constituting a violation of the alien's nonimmigrant status," the alien must have made a clear statement or declaration to the other federal agency, bureau or department that he or she was in violation of nonimmigrant status; or

(2) An affirmative determination was made by the Service prior to January 1, 1982 that the alien was subject to deportation proceedings. Evidence that may be presented by an alien to support an assertion that such a determination was made may include, but is not limited to, official Service documents issued prior to January 1, 1982, i.e., Forms I-94, Arrival-Departure Records granting a period of time in which to depart the United States without imposition of proceedings; Forms I-210, Voluntary Departure Notice letter; and Forms I-221, Order to Show Cause and Notice of Hearing. Evidence from Service records that may be used to support a finding that such a determination was made may include, but is not limited to, record copies of the aforementioned forms and other documents contained in alien files; i.e., Forms I-213, Record of Deportable Alien;

Unexecuted Forms I-205, Warrant of Deportation; Forms I-265, Application for Order to Show Cause and Processing Sheet; Forms I-541, Order of Denial of Application for Extension of Stay granting a period of time in which to depart the United States without imposition of proceedings, or any other Service record reflecting that the alien's nonimmigrant status was considered by the Service to have terminated or the alien was otherwise determined to be subject to deportation proceedings prior to January 1, 1982, whether or not deportation proceedings were instituted; or

(3) A copy of a response by the Service to any other agency which advised that agency that a particular alien had no legal status in the United States or for whom no record could be found.

(e) The term "to make a determination" as used in § 245a.2(t)(3) of this part means obtaining and reviewing all information required to adjudicate an application for the benefit sought and making a decision thereon. If fraud, willful misrepresentation or concealment of a material fact, knowingly providing a false writing or document, knowingly making a false statement or representation, or any other activity prohibited by section 245A(c)(6) of the Act is established during the process of making the determination on the application, the Service shall refer to the United States Attorney for prosecution of the alien or of any person who created or supplied a false writing or document for use in an application for adjustment of status under this part. If prosecution is declined, the Service may issue an Order to Show Cause and Warrant of Arrest if the United States Attorney returns the matter to the Service for initiation of deportation proceedings in lieu of prosecution.

(f) The term "continuous physical presence" as used in section 245A(a)(3)(A) of the Act means actual continuous presence in the United States since November 6, 1986 until filing of any application for adjustment of status. Aliens who were outside of the United States on the date of enactment or departed the United States after enactment may apply for legalization if they reentered prior to May 1, 1987, provided they meet the continuous residence requirements, and are otherwise eligible for legalization.

(g) "Brief, casual, and innocent" means a departure authorized by the Service (advance parole) subsequent to May 1, 1987 of not more than thirty (30) days for legitimate emergency or

humanitarian purposes unless a further period of authorized departure has been granted in the discretion of the district director or a departure was beyond the alien's control.

(h) The term "brief and casual" as used in section 245A(b)(3)(A) of the Act, means temporary trips abroad as long as the alien establishes a continuing intention to adjust to lawful permanent resident status. However, such absences must not exceed the specific periods of time required in order to maintain continuous residence.

(i) "Public cash assistance" means income or needs-based monetary assistance, to include but not limited to supplemental security income, received by the alien or his or her immediate family members through federal, state, or local programs designed to meet subsistence levels. It does not include assistance in kind, such as food stamps, public housing, or other non-cash benefits, nor does it include work-related compensation or certain types of medical assistance (Medicare, Medicaid, emergency treatment, services to pregnant women or children under 18 years of age, or treatment in the interest of public health).

(j) "Legalization Office" means local offices of the Immigration and Naturalization Service which accept and process applications for Legalization or Special Agricultural Worker status, under the authority of the INS district directors in whose districts such offices are located.

(k) "Regional Processing Facility" means Service offices established in each of the four Service regions to adjudicate, under the authority of the INS Directors of the Regional Processing Facilities, applications for adjustment of status under section 210, 245A(a) or 245A(b)(1) of the Act.

(l) "Designate entity" means any state, local, church, community, farm labor organization, voluntary organization, association of agricultural employers or individual determined by the Service to be qualified to assist aliens in the preparation of applications for Legalization status.

(m) The term "family unity" as used in section 245(d)(2)(B)(i) of the Act means maintaining the family group without deviation or change. The family group shall include the spouse, unmarried minor children under 18 years of age who are not members of some other household, and parents who reside regularly in the household of the family group.

(n) The term "prima facie" as used in section 245(e) (1) and (2) of the Act means eligibility is established if the applicant presents a completed I-887

and specific factual information which in the absence of rebuttal will establish a claim of eligibility under this part.

(o) "Misdemeanor" means a crime, committed in the United States, punishable by imprisonment for a term of one year or less but more than five days, regardless of the term such alien actually served, if any.

(p) "Felony" means a crime committed in the United States, punishable by imprisonment for a term of more than one year, regardless of the term such alien actually served, if any.

(q) "Subject of an Order to Show Cause" means actual service of the Order to Show Cause upon the alien through the mail or by personal service.

#### § 245a.2 Application for temporary residence.

(a) *Application period for temporary residence.* (1) An alien who has resided unlawfully in the United States since January 1, 1982, who believes that he or she meets the eligibility requirements of section 245A of the Act must make application within the twelve month period beginning on May 5, 1987 and ending on May 4, 1988, except as provided in the following paragraphs.

(2)(i) An alien who was apprehended by the Service, or was the subject of an Order to Show Cause issued, on or after November 6, 1986 and prior to May 5, 1987 and who has established prima facie eligibility for adjustment of status under section 245A(a) of the Act must file an application for adjustment during the period beginning on May 5, 1987 and ending on June 3, 1987.

(ii) An alien who is the subject of an Order to Show Cause issued under section 242 of the Act during the period beginning on May 5, 1987 and ending on April 4, 1988 must file an application for adjustment of status to that of a temporary resident prior to the thirty-first day after the issuance of the Order to Show Cause.

(iii) An alien who is the subject of an Order to Show Cause issued under section 242 of the Act during the period beginning on April 5, 1988 and ending on May 4, 1988 must file an application for adjustment of status to that of a temporary resident not later than May 4, 1988.

(iv) An alien, described in paragraphs (a)(2)(i) through (iii) of this section, who fails to file an application for adjustment of status to that of a temporary resident under section 245A(a) of the Act during the respective time period(s), will be statutorily ineligible for such adjustment of status.

(b) *Eligibility.* The following categories of aliens who are not otherwise excludable under section

212(a) of the Act are eligible to apply for status to that of a person admitted for temporary residence:

(1) An alien (other than an alien who entered as a nonimmigrant) who establishes that he or she entered the United States prior to January 1, 1982, and who has thereafter resided continuously in the United States in an unlawful status, and who has been physically present in the United States from November 6, 1986, until the date of filing the application.

(2) An alien who establishes that he or she entered the United States as a nonimmigrant prior to January 1, 1982, and whose period of authorized admission expired through the passage of time prior to January 1, 1982, and who has thereafter resided continuously in the United States in an unlawful status, and who has been physically present in the United States from November 6, 1986, until the date of filing the application.

(3) An alien who establishes that he or she entered the United States as a nonimmigrant prior to January 1, 1982, and whose unlawful status was known to the Government as of January 1, 1982, and who has thereafter resided continuously in the United States in an unlawful status, and who has been physically present in the United States from November 6, 1986, until the date of filing the application.

(4) An alien described in paragraphs (b) (1) through (3) of this section who was at any time a nonimmigrant exchange visitor (as defined in section 101(a)(15)(J) of the Act), must establish that he or she was not subject to the two-year foreign residence requirements of section 212(e) or has fulfilled that requirement or has received a waiver of such requirements and has resided continuously in the United States in unlawful status since January 1, 1982.

(5) An alien who establishes that he or she was granted voluntary departure, voluntary return, extended voluntary departure or placed in deferred action category by the Service prior to January 1, 1982 and who has thereafter resided continuously in such status in the United States and who has been physically present in the United States from November 6, 1986 until the date of filing the application.

(6) An alien who establishes that he or she was paroled into the United States prior to January 1, 1982, and whose parole status terminated prior to January 1, 1982, and who has thereafter resided continuously in such status in the United States, and who has been physically present in the United States from

November 6, 1986, until the date of filing the application.

(7) An alien who establishes that he or she is a Cuban or Haitian Entrant who was physically present in the United States prior to January 1, 1982, and who has thereafter resided continuously in the United States, and who has been physically present in the United States from November 6, 1986, until the date of filing the application, without regard to whether such alien has applied for adjustment of status pursuant to section 202 of the Act.

(8) An alien's eligibility under the categories described in §§ 245a.2(b) (1) through (7) shall not be affected by entries to the United States subsequent to January 1, 1982 that were not documented or Service Form I-94, Arrival-Departure Record.

(c) *Ineligible aliens.* (1) An alien who has been convicted of a felony, or three or more misdemeanors.

(2) An alien who has assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group or political opinion.

(3) An alien excludable under the provisions of section 212(a) of the Act whose grounds of excludability may not be waived, pursuant to section 245A(d)(2)(B)(ii) of this Act.

(4) An alien who at any time was a nonimmigrant exchange visitor who is subject to the two-year foreign residence requirement unless the requirement has been satisfied or waived pursuant to the provisions of section 212(e) of the Act who has resided continuously in the United States in an unlawful status since January 1, 1982.

(5) An alien who was in the custody of or apprehended by the Service, or apprehended and the subject of an Order to Show Cause, on or after November 6, 1986, and prior to May 5, 1987, and has established prima facie eligibility for adjustment of status, who does not file an application for adjustment of status to that of a temporary resident under section 245A(a) of the Act, prior to June 4, 1987.

(6) An alien who is the subject of an Order to Show Cause issued under section 242 of the Act during the period beginning on May 5, 1987 and ending on April 4, 1988 who does not file an application for adjustment of status to that of temporary resident under section 245A(a) of the Act prior to the thirty-first day after issuance of the order.

(7) An alien who is the subject of an Order to Show Cause issued under section 242 of the Act during the period beginning on April 5, 1988 and ending on May 4, 1988 who does not file an application for adjustment of status to

that of a temporary resident under section 245A(a) of the Act prior to May 5, 1988.

(8) An alien who was paroled into the United States prior to January 1, 1982 and whose parole status terminated subsequent to January 1, 1982, except an alien who was granted advance parole.

(d) *Documentation.* Evidence to support an alien's eligibility for the legalization program shall include documents establishing proof of identity, proof of residence, and proof of financial responsibility, as well as photographs, a completed fingerprint card (Form FD-258), and a completed medical report of examination (Form I-693). All documentation submitted will be subject to Service verification. Applications submitted with unverifiable documentation may be denied. Failure by an applicant to authorize release to INS of information protected by the Privacy Act and/or related laws in order for INS to adjudicate a claim may result in denial of the benefit sought. Acceptable supporting documents for these three categories are discussed below.

(1) *Proof of identity.* Evidence to establish identity is listed below in descending order of preference:

- (i) Passport;
- (ii) Birth certificate;
- (iii) Any national identity document from the alien's country of origin bearing photo and fingerprint (e.g., a "cedula" or "cartilla");
- (iv) Driver's license or similar document issued by a state if it contains a photo;
- (v) Baptismal Record/Marriage Certificate; or
- (vi) Affidavits.

(2) *Assumed names—(i) General.* In cases where an applicant claims to have met any of the eligibility criteria under an assumed name, the applicant has the burden of proving that the applicant was in fact the person who used that name. The applicant's true identity is established pursuant to the requirements of paragraph (d)(1) of this section. The assumed name must appear in the documentation provided by the applicant to establish eligibility. To meet the requirements of this paragraph documentation must be submitted to prove the common identity, i.e., that the assumed name was in fact used by the applicant.

(ii) *Proof of common identity.* The most persuasive evidence is a document issued in the assumed name which identifies the applicant by photograph, fingerprint or detailed physical description. Other evidence which will be considered are affidavit(s) by a person or persons other than the

applicant, made under oath, which identify the affiant by name and address, state the affiant's relationship to the applicant and the basis of the affiant's knowledge of the applicant's use of the assumed name. Affidavits accompanied by a photograph which has been identified by the affiant as the individual known to affiant under the assumed name in question will carry greater weight.

(3) *Proof of residence.* Evidence to establish proof of continuous residence in the United States during the requisite period of time may consist of any combination of the following:

- (i) Past employment records, which may consist of pay stubs, W-2 Forms, certification of the filing of Federal income tax returns on IRS Form 6166, state verification of the filing of state income tax returns, letters from employer(s) or, if the applicant has been in business for himself or herself, letters from banks and other firms with whom he or she has done business. In all of the above, the name of the alien and the name of the employer or other interested organization must appear on the form or letter, as well as relevant dates. Letters from employers should be on employer letterhead stationery, if the employer has such stationery, and must include:

- (A) Alien's address at the time of employment;
- (B) Exact period of employment;
- (C) Periods of layoff;
- (D) Duties with the company;
- (E) Whether or not the information was taken from official company records; and
- (F) Where records are located and whether the Service may have access to the records.

If the records are unavailable, an affidavit form-letter stating that the alien's employment records are unavailable and why such records are unavailable may be accepted in lieu of (3)(i)(E) and (3)(i)(F) of this paragraph. This affidavit form-letter shall be signed, attested to by the employer under penalty of perjury, and shall state the employer's willingness to come forward and give testimony if requested.

(ii) Utility bills (gas, electric, phone, etc.), receipts, or letters from companies showing the dates during which the applicant received service are acceptable documentation.

(iii) School records (letters, report cards, etc.) from the schools that the applicant or their children have attended in the United States must show name of school and periods of school attendance.

(iv) Hospital or medical records showing treatment or hospitalization of

the applicant or his or her children must show the name of the medical facility or physician and the date(s) of the treatment or hospitalization.

(v) Attestations by churches, unions, or other organizations to the applicant's residence by letter which:

(A) Identifies applicant by name;

(B) Is signed by an official (whose title is shown);

(C) Shows inclusive dates of membership;

(D) States the address where applicant resided during membership period;

(E) Includes the seal of the organization impressed on the letter or the letterhead of the organization, if the organization has letterhead stationery;

(F) Establishes how the author knows the applicant; and

(G) Establishes the origin of the information being attested to.

(vi) Additional documents to support the applicant's claim may include:

(A) Money order receipts for money sent in or out of the country;

(B) Passport entries;

(C) Birth certificates of children born in the United States;

(D) Bank books with dated transactions;

(E) Letters or correspondence between applicant and another person or organization;

(F) Social Security card;

(G) Selective Service card;

(H) Automobile license receipts, title, vehicle registration, etc.;

(I) Deeds, mortgages, contracts to which applicant has been a party;

(J) Tax receipts;

(K) Insurance policies, receipts, or letters; and

(L) Any other relevant document.

(4) *Proof of financial responsibility.* An applicant for adjustment of status under this part is subject to the provisions of section 212(a)(15) of the Act relating to excludability of aliens likely to become public charges unless the applicant demonstrates a history of employment in the United States evidencing self-support without receipt of public cash assistance. Generally, the evidence of employment submitted under paragraph (d)(3)(i) of this section will serve to demonstrate the alien's financial responsibility during the documented period(s) of employment. If the alien's period(s) of residence in the United States include significant gaps in employment or if there is reason to believe that the alien may have received public assistance while employed, the alien may be required to provide proof that he or she has not received public cash assistance. An applicant for residence who is likely to become a

public charge will be denied adjustment. The burden of proof to demonstrate the inapplicability of this provision of law lies with the applicant who may provide:

(i) Evidence of a history of employment (i.e., employment letter, W-2 Forms, income tax returns, etc.);

(ii) Evidence that he/she is self-supporting (i.e., bank statements, stocks, other assets, etc.); or

(iii) Form I-134, Affidavit of Support, completed by a spouse in behalf of the applicant and/or children which guarantees complete or partial financial support of the applicant.

(5) *Burden of proof.* An alien applying for adjustment of status under this part has the burden of proving by a preponderance of the evidence that he or she has resided in the United States for the requisite periods, is admissible to the United States under the provisions of section 245a of the Act, and is otherwise eligible for adjustment of status under this section. The inference to be drawn from the documentation provided shall depend on the extent of the documentation, its credibility and amenability to verification as set forth in paragraph (d) of this section.

(6) *Evidence.* The sufficiency of all evidence produced by the applicant will be judged according to its probative value and credibility. To meet his or her burden of proof, an applicant must provide evidence of eligibility apart from his or her own testimony. In judging the probative value and credibility of the evidence submitted, greater weight will be given to the submission of original documentation.

(e) *Filing of application.* (1) The application must be filed on Form I-687 at an office of a designated entity or at a Service Legalization Office within the jurisdiction of the District wherein the applicant resides. If the application is filed with a designated entity, the alien must have consented to having the designated entity forward the application to the legalization office. In the case of applications filed at a legalization office, the district director may, at his or her discretion:

(i) Require the applicant to file the application in person; or

(ii) Require the applicant to file the application by mail; or

(iii) Permit the filing of applications either by mail or in person.

The applicant must appear for a personal interview at the legalization office as scheduled. If the applicant is 14 years of age or older, the applicant must be accompanied by a completed Form FD-258 (Applicant Card).

(2) At the time of the interview, wherever possible, original documents

must be submitted except the following:

Official government records; employment or employment-related records maintained by employers, unions, or collective bargaining organizations; medical records; school records maintained by a school or school board; or other records maintained by a party other than the applicant. Copies of records maintained by parties other than the applicant which are submitted in evidence must be certified as true and correct by such parties and must bear their seal or signature or the signature and title of persons authorized to act in their behalf. If at the time of the interview the return of original documents is desired by the applicant, they must be accompanied by notarized copies or copies certified true and correct by a qualified designated entity or by the alien's representative in the format prescribed in § 204.2(j) (1) or (2) of this chapter. At the discretion of the district director original documents, even if accompanied by certified copies, may be temporarily retained for forensic examination by the Document Analysis Unit at the Regional Processing Facility having jurisdiction over the legalization office to which the documents were submitted.

(3) A separate application (I-687) must be filed by each eligible applicant. All fees required by § 103.7(b)(1) of this chapter must be submitted in the exact amount in the form of a money order, cashier's check, or certified bank check, made payable to the Immigration and Naturalization Service. No personal checks or currency will be accepted. Fees will not be waived or refunded under any circumstances.

(f) *Filing date of application.* The date the alien submits a completed application to a Service Legalization Office or designated entity shall be considered the filing date of the application, provided that in the case of an application filed at a designated entity the alien has consented to having the designated entity forward the application to the Service Legalization Office having jurisdiction over the location of the alien's residence. The designated entities are required to forward completed applications to the appropriate Service Legalization Office within sixty days of receipt.

(g) *Selective Service registration.* At the time of filing an application under this section, male applicants over the age of 17 and under the age of 27 are required to be registered under the Military Selective Service Act. An applicant shall present evidence that he has previously registered under that Act in the form of a letter of

acknowledgement from the Selective Service System, or such alien shall present a completed and signed Form SSS-1 at the time of filing Form I-687 with the Immigration and Naturalization Service or a designated entity. Form SSS-1 will be forwarded to the Selective Service System by the Service.

(h) *Continuous residence.* (1) For the purpose of this Act, an applicant for temporary resident status shall be regarded as having resided continuously in the United States if, at the time of filing of the application:

(i) No single absence from the United States has exceeded forty-five (45) days, and the aggregate of all absences has not exceeded one hundred and eighty (180) days between January 1, 1982 through the date the application for temporary resident status is filed, unless the alien can establish that due to emergent reasons, his or her return to the United States could not be accomplished within the time period allowed;

(ii) The alien was maintaining a residence in the United States; and

(iii) The alien's departure from the United States was not based on an order of deportation.

(2) An alien who has been absent from the United States in accordance with the Service's advance parole procedures shall not be considered as having interrupted his or her continuous residence as required at the time of filing an application under this section.

(i) *Medical examination.* An applicant under this part shall be required to submit to an examination by a designated civil surgeon at no expense to the government. The designated civil surgeon shall report on the findings of the mental and physical condition of the applicant and the determination of the alien's immunization status. Results of the medical examination must be presented to the Service at the time of interview and shall be incorporated into the record. Any applicant certified under paragraphs (1), (2), (3), (4), or (5) of section 212(a) of the Act may appeal to a Board of Medical Officers of the U.S. Public Health Service as provided in section 234 of the Act and Part 235 of this chapter.

(j) *Interview.* Each applicant, regardless of age, must appear at the appropriate Service Legalization Office and must be fingerprinted for the purpose of issuance of Forms I-688 and I-688A. Each applicant shall be interviewed by an immigration officer, except that the interview may be waived for a child under 14, or when it is impractical because of the health or advanced age of the applicant.

(k) *Applicability of exclusion grounds—*(1) *Grounds of exclusion not to be applied.* The following paragraphs of section 212(a) of the Act shall not apply to applicants for temporary resident status: (14) Workers entering without Labor Certification; (20) immigrants not in possession of a valid entry document; (21) visas issued without compliance with section 203; (25) illiterates; and (32) graduates of non-accredited medical schools.

(2) *Waiver of grounds of exclusion.* Except as provided in paragraph (k)(3) of this section, the Attorney General may waive any other provision of section 212(a) of the Act only in the case of individual aliens for humanitarian purposes, to assure family unity, or when the granting of such a waiver is in the public interest. If an alien is excludable on grounds which may be waived as set forth in this paragraph, he or she shall be advised of the procedures for applying for a waiver of grounds of excludability on Form I-690. When an application for waiver of grounds of excludability is filed jointly with an application for temporary residence under this section, it shall be accepted for processing at the legalization office. If an application for waiver of grounds of excludability is submitted after the alien's preliminary interview at the legalization office, it shall be forwarded to the appropriate Regional Processing Facility. All applications for waivers of grounds of excludability must be accompanied by the correct fee in the exact amount. All fees for applications filed in the United States must be in the form of a money order, cashier's check, or bank check. No personal checks or currency will be accepted. Fees will not be waived or refunded under any circumstances. An application for waiver of grounds of excludability under this part shall be approved or denied by the director of the Regional Processing Facility in whose jurisdiction the applicant's application for adjustment of status was filed except that in cases involving clear statutory ineligibility or admitted fraud, such application may be denied by the district director in whose jurisdiction the application is filed, and in cases returned to a Service Legalization Office for re-interview, such application may be approved at the discretion of the district director. The applicant shall be notified of the decision and, if the application is denied, of the reason therefor. Appeal from an adverse decision under this part may be taken by the applicant on Form I-694 within 30 days after the service of the notice only to the Service's Administrative Appeals

Unit pursuant to the provisions of § 103.3(a) of this chapter.

(3) *Grounds of exclusion that may not be waived.* Notwithstanding any other provision of the Act, the following provisions of section 212(a) may not be waived by the Attorney General under paragraph (k)(2) of this section:

(i) Paragraphs (9) and (10) (criminals);

(ii) Paragraph (23) (narcotics) except for a single offense of simple possession of thirty grams or less of marijuana;

(iii) Paragraphs (27) (prejudicial to the public interest), (28) (communist), and (29) (subversive);

(iv) Paragraph (33) (participated in Nazi persecution).

(4) *Special rule for determination of public charge.* An alien who has a consistent employment history which shows the ability to support himself and his or her family, even though his income may be below the poverty level, may be admissible under paragraph (k)(2) of this section. The alien's employment history need not be continuous in that it is uninterrupted. It should be continuous in the sense that the alien shall be regularly attached to the workforce, has an income over a substantial period of the applicable time, and has demonstrated the capacity to exist on his or her income and maintain his or her family without recourse to public cash assistance. This regulation is prospective in that the Service shall determine, based on the alien's history, whether he or she is likely to become a public charge. Past acceptance of public cash assistance within a history of consistent employment will enter into this decision. The weight given in considering applicability of the public charge provisions will depend on many factors, but the length of time an applicant has received public cash assistance will constitute a significant factor.

(5) *Public assistance and criminal history verification.* Declarations by an applicant that he or she has not been the recipient of public cash assistance and/or has not had a criminal record are subject to a verification of facts by the Service. The applicant must agree to fully cooperate in the verification process. Failure to assist the Service in verifying information necessary for the adjudication of the application may result in a denial of the application.

(l) *Continuous physical presence since November 6, 1986.* (1) An alien applying for adjustment to temporary resident status must establish that he or she has been continuously physically present in the United States since November 6, 1986. Aliens who were outside of the United States on the date of enactment

or departed the United States after enactment may apply for legalization if they reentered prior to May 1, 1987, and meet the continuous residence requirements and are otherwise eligible for legalization.

(2) A brief, casual and innocent absence means a departure authorized by the Service (advance parole) subsequent to May 1, 1987 of not more than thirty (30) days for legitimate emergency or humanitarian purposes unless a further period of authorized departure has been granted in the discretion of the district director or a departure was beyond the alien's control.

(m) *Departure.* (1) During the time period from the date that an alien's application establishing prima facie eligibility for temporary resident status is reviewed at a Service Legalization Office and the date status as a temporary resident is granted, the alien applicant can only be readmitted to the United States provided his or her departure was authorized under the Service's advance parole provisions contained in § 212.5(e) of this chapter.

(2) An alien whose application for temporary resident status has been approved may be admitted to the United States upon return as a returning temporary resident provided he or she:

- (i) Is not under deportation proceedings;
- (ii) Has not been absent from the United States more than thirty (30) days on the date application for admission is made;
- (iii) Has not been absent from the United States for an aggregate period of more than 90 days since the date the alien was granted lawful temporary resident status;

(iv) Presents Form I-688;

(v) Presents himself or herself for inspection; and

(vi) Is otherwise admissible.

(3) The periods of time in paragraph (m)(2)(ii) and (m)(2)(iii) of this section may be waived at the discretion of the Attorney General in cases where the absence from the United States was due merely to a brief temporary trip abroad required due to emergent or extenuating circumstances beyond the alien's control.

(n)(1) *Employment and travel authorization; general.* Authorization for employment and travel abroad for temporary resident status applicants under section 245A(a) of the Act may only be granted by a Service Legalization Office. In the case of an application which has been filed with a designated entity, employment authorization may only be granted by the Service after the application has

been properly received at the Service Legalization Office.

(2) *Employment authorization prior to the granting of temporary resident status.* Permission to travel abroad and accept employment will be granted to the applicant after an interview has been conducted in connection with an application establishing prima facie eligibility for temporary resident status. Applications may be presented in person, through designated entities, or through the mail to a legalization office. Applicants who walk-in or mail-in their applications to offices that schedule appointments will receive a form letter fee receipt and scheduled appointment.

If an appointment cannot be scheduled within thirty (30) days, authorization to accept employment will be given, valid to the scheduled appointment date. The appointment letter will be endorsed with the temporary employment authorization. Form I-688A, Employment Authorization, will be given to the applicant after an interview has been completed by an immigration officer unless a formal denial is issued by a Service Legalization Office. This temporary employment authorization will be restricted to six months duration, pending final determination on the application for temporary resident status.

(3) *Employment and travel authorization upon grant of temporary resident status.* Upon grant of an application for adjustment to temporary resident status by a Regional Processing Facility, the processing facility will forward a notice of approval to the alien at his or her last known address and to his or her designated entity or representative. The alien will be required to return to the Service Legalization Office where the application was initially received, surrender the I-688A previously issued, and will be issued Form I-688, Temporary Resident Card, authorizing employment and travel abroad.

(4) *Revocation of employment authorization upon denial of temporary resident status.* Upon denial of an application for adjustment to temporary resident status the alien will be notified that if a timely appeal is not submitted, employment authorization shall be automatically revoked on the final day of the appeal period.

(o) *Decision.* The applicant shall be notified in writing of the decision, and, if the application is denied, of the reason therefor. An appeal from an adverse decision under this part may be taken by the applicant on Form I-694.

(p) *Appeal process.* An adverse decision under this part may be

appealed to the Associate Commissioner, Examinations (Administrative Appeals Unit). Any appeal with the required fee shall be filed with the Regional Processing Facility within thirty (30) days after service of the notice of denial in accordance with the procedures of § 103.3(a) of this chapter. An appeal received after the thirty (30) day period has tolled will not be accepted. The thirty (30) day period includes any time required for service or receipt by mail.

(q) *Motions.* The Regional Processing Facility director may *sua sponte* reopen and reconsider any adverse decision. When an appeal to the Associate Commissioner, Examinations (Administrative Appeals Unit) has been filed, the INS director of the Regional Processing Facility may issue a new decision that will grant the benefit which has been requested. The director's new decision must be served on the appealing party within 45 days of receipt of any briefs and/or new evidence, or upon expiration of the time allowed for the submission of any briefs. Motion to reopen a proceeding or reconsider a decision shall not be considered under this part.

(r) *Certifications.* The Regional Processing Facility director may, in accordance with § 103.4 of this chapter, certify a decision to the Associate Commissioner, Examinations (Administrative Appeals Unit) when the case involves an unusually complex or novel question of law or fact.

(s) *Date of adjustment of temporary residence.* The status of an alien whose application for temporary resident status is approved shall be adjusted to that of a lawful temporary resident as of the date indicated on the application fee receipt issued at Service Legalization Office.

(t) *Limitation on access to information and confidentiality.* (1) No person other than a sworn officer or employee of the Justice Department or bureau of agency thereof, will be permitted to examine individual applications, except employees of designated entities where applications are filed with the same designated entity. For purposes of this part, any individual employed under contract by the Service to work in connection with the legalization program shall be considered an "employee of the Justice Department or bureau or agency thereof."

(2) Files and records prepared by designated entities under this section are confidential. The Attorney General and the Service shall not have access to these files and records without the consent of the alien.

(3) No information furnished pursuant to an application for legalization under this section shall be used for any purpose except: (i) To make a determination on the application; or, (ii) for the enforcement of the provisions encompassed in section 245A(c)(6) of the Act, except as provided in paragraph (t)(4) of this section.

(4) If a determination is made by the Service that the alien has, in connection with his or her application, engaged in fraud or willful misrepresentation or concealment of a material fact, knowingly provided a false writing or document in making his or her application, knowingly made a false statement or representation, or engaged in any other activity prohibited by section 245A(c)(6) of the Act, the Service shall refer the matter to the United States Attorney for prosecution of the alien or of any person who created or supplied a false writing or document for use in an application for adjustment of status under this part. If prosecution is declined, the Service may issue an Order to Show Cause and Warrant of Arrest if the United States Attorney returns the matter to the Service for initiation of deportation proceedings in lieu of prosecution.

(5) Information obtained in granted legalization application and contained in the applicant's file is subject to subsequent review in reference to future benefits applied for (including petitions for naturalization and permanent resident status for relatives).

(u) *Termination of temporary resident status*—(1) *Termination of temporary resident status; General.* The status of an alien lawfully admitted for temporary residence under section 245A(a)(1) of the Act may be terminated at any time in accordance with section 245A(b)(2) of the Act. It is not necessary that a final order of deportation be entered in order to terminate temporary resident status. The temporary resident status may be terminated upon the occurrence of any of the following:

(i) It is determined that the alien was ineligible for temporary residence under section 245A of this Act;

(ii) The alien commits an act which renders him or her inadmissible as an immigrant, except as provided under § 2459.2(k)(2) or (3) of this part;

(iii) The alien is convicted of any felony, or three or more misdemeanors;

(iv) The alien fails to file for adjustment of status from temporary resident to permanent resident on Form I-698 within thirty-one (31) months of the date he/she was granted status as a temporary resident under § 245a.1 of this part.

(2) *Procedure.* Termination of an alien's status under paragraph (u)(1) of this section will be made only on notice to the alien sent by certified mail directed to his or her last known address, and to his or her representative. The alien must be given an opportunity to offer evidence in opposition to the grounds alleged for termination of his or her status. Evidence in opposition must be submitted within thirty (30) days after the service of the Notice of Intent to Terminate. If the alien's status is terminated, the director of the regional processing facility shall notify the alien of the decision and the reasons for the termination, and further notify the alien that any Service Form I-94, Arrival-Departure Record or other official Service document issued to the alien authorizing employment and/or travel abroad, or any Form I-688, Temporary Resident Card previously issued to the alien will be declared void by the director of the regional processing facility within thirty (30) days if no appeal of the termination decision is filed within that period. The alien may appeal the decision to the Associate Commissioner, Examinations (Administrative Appeals Unit). Any appeal with the required fee shall be filed with the regional processing facility within thirty (30) days after the service of the notice of termination. If no appeal is filed within that period, the I-94, I-688 or other official Service document shall be deemed void, and must be surrendered without delay to an immigration officer or to the issuing office of the Service.

(3) *Termination not construed as rescission under section 246.* For the purposes of this part the phrase "termination of status" of an alien granted lawful temporary residence under section 245A(a) of the Act shall not be construed to necessitate a rescission of status as described in section 246 of the Act, and the proceedings required by the regulations issued thereunder shall not apply.

(4) *Return to unlawful status after termination.* Termination of the status of any alien previously adjusted to lawful temporary residence under section 245A(a) of the Act shall act to return such alien to the unlawful status held prior to the adjustment, and render him or her amenable to exclusion or deportation proceedings under section 236 or 242 of the Act, as appropriate.

(v) *Ineligibility for immigration benefits.* An alien whose status is adjusted to that of a lawful temporary resident under section 245A of the Act is not entitled to submit a petition pursuant to section 203(a)(2) or to any

other benefit or consideration accorded under the Act to aliens lawfully admitted for permanent residence.

(w) *Declaration of intending citizen.* An alien who has been granted the status of temporary resident under section 245A(a)(1) of this Act may assert a claim of discrimination on the basis of citizenship status under section 274B of the Act only if he or she has previously filed Form I-772 (Declaration of Intending Citizen) after being granted such status. The Declaration of Intending Citizen is not required as a basis for filing a petition for naturalization; nor shall it be regarded as a right to United States citizenship; nor shall it be regarded as evidence of a person's status as a resident.

#### § 245a.3 Application for adjustment from temporary to permanent resident status.

(a) *Application period for permanent residence.* An alien who has resided in the United States for a period of eighteen (18) months after the granting of temporary resident status may make application for permanent resident status during the twelve month period beginning on the day after the requisite eighteen months temporary residence has been completed. Applications for lawful permanent residence under section 245A(b)(1) of the Act will be accepted at legalization offices beginning on November 7, 1988.

(b) *Eligibility.* Any alien physically present in the United States who has been lawfully admitted for temporary resident status under section 245A(a) of the Act, such status not having been revoked or terminated, may apply for adjustment of status to that of an alien lawfully admitted for permanent residence if the alien:

(1) Applies for such adjustment during the one-year period beginning with the nineteenth month that begins after the date the alien was granted such temporary resident status;

(2) Establishes continuous residence in the United States since the date the alien was granted such temporary residence status. An alien shall be regarded as having resided continuously in the United States for the purposes of this part if, at the time of applying for adjustment from temporary to permanent resident status, no single absence from the United States has exceeded thirty (30) days, or the aggregate of all absences has not exceeded ninety (90) days between the date of granting of lawful temporary resident status and applying for permanent resident status unless the alien can establish that due to emergent reasons, the return to the United States

could not be accomplished within the time period(s) allowed.

(3) Is admissible to the United States as an immigrant, except as otherwise provided in paragraph (f) of this section; and has not been convicted of any felony (including crimes committed outside of the United States), or three or more misdemeanors (committed in the United States); and

(4)(i) Can demonstrate that the alien either meets the requirements of section 312 of the Immigration and Nationality Act, as amended, (relating to minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States); or, is satisfactorily pursuing a course of study recognized by the Attorney General to achieve such an understanding of English and such a knowledge and understanding of the history and government of the United States; or,

(ii) Has demonstrated that the alien met the requirements of paragraph (b)(4)(i) of this section at the time of interview for adjustment of status to that of lawful temporary resident under section 245A(a); or,

(iii) The requirements of paragraph (b)(4)(i) of this section may be waived at the discretion of the Attorney General if the alien is 65 years or older.

(5) A course of study in the English language and in the history and government of the United States shall satisfy the requirement of paragraph (b)(4)(i) of this section if (i) it is sponsored or conducted by an established public or private institution of learning recognized as such by a qualified state certifying agency, or by an institution of learning approved to issue Forms I-20 in accordance with § 214.3 of this chapter, or by a qualified designated entity within the meaning of section 245A(c)(2) of the Act, and (ii) the course materials for such instruction include textbooks published under the authority of section 346 of the Act.

(c) *Ineligible aliens.* (1) An alien who has been convicted of a felony, or three or more misdemeanors.

(2) An alien who has assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group or political opinion.

(3) An alien who was previously granted temporary resident status pursuant to section 245A(a) of the Act who has not filed an application for permanent resident status under section 245A(b)(1) of the Act during the one year period which began with the nineteenth month that begins after the date the alien was granted such temporary resident status.

(4) An alien who was not previously granted temporary resident status under section 245A(a) of the Act.

(d) *Filing of application.* The provisions of Part 211 of this chapter relating to the documentary requirements for immigrants shall not apply to an applicant under this part.

(1) The application must be filed on Form I-698 in person at a designated Legalization Office within the jurisdiction of the District wherein the applicant resides. Form I-698 must be accompanied by the documents specified in the instructions. If the alien is 14 years or older, the application must be accompanied by a completed Form FD-258 (Fingerprint Card).

(2) At the time of the interview, wherever possible, original documents must be submitted except the following: Official government records; employment or employment-related records maintained by employers, unions, or collective bargaining organizations; medical records; school records maintained by a school or school board; or other records maintained by a party other than the applicant. Copies of records maintained by parties other than the applicant which are submitted in evidence must be certified as true and correct by such parties and must bear their seal or signature or the signature and title of persons authorized to act in their behalf. If at the time of the interview, the return of original documents is desired by the applicant, they must be accompanied by notarized copies or copies certified true and correct by a qualified designated entity or by the alien's representative in the format prescribed in § 204.2(j) (1) or (2) of this chapter. At the discretion of the district director, original documents, even if accompanied by certified copies, may be temporarily retained for forensic examination by the Document Analysis Unit at the Regional Processing Facility having jurisdiction over the legalization office to which the documents were submitted.

(3) A separate application (I-698) must be filed by each eligible applicant. All fees required by § 103.7(b)(1) of this chapter must be submitted in the exact amount in the form of a money order, cashier's check or certified bank check. No personal checks or currency will be accepted. Fees will not be waived or refunded under any circumstances.

(e) *Interview.* Each applicant, regardless of age, must appear at the appropriate Service legalization office and must be fingerprinted for the purpose of issuance of Form I-551. Each applicant shall be interviewed by an immigration officer, except that the interview may be waived for a child

under 14, or when it is impractical because of the health or advanced age of the applicant.

(f) *Numerical limitations.* The numerical limitations of sections 201 and 202 of the Act do not apply to the adjustment of aliens to lawful permanent resident status under section 245A(b) of the Act.

(g) *Applicability of exclusion grounds—* (1) *Ground of exclusion not to be applied.* The following paragraphs of section 212(a) of the Act shall not apply to applicants for adjustment of status from temporary resident to permanent resident status; (14) workers entering without Labor Certification; (20) immigrants not in possession of valid entry document; (21) visas issued without compliance of section 203; (25) illiterates; and (32) graduates of non-accredited medical schools.

(2) *Waiver of grounds of excludability.* Except as provided in paragraph (g)(4) of this section, the Service may waive any provision of section 212(a) of the Act only in the case of individual aliens for humanitarian purposes, to assure family unity, or when the granting of such a waiver is otherwise in the public interest. In any case where a provision of section 212(a) of the Act has been waived in connection with an alien's application for lawful temporary resident status under section 245A(a) of the Act, no additional waiver of the same ground of excludability will be required when the alien applies for permanent resident status under 245A(b)(1) of the Act. In the event that the alien becomes excludable under any other provision of section 212(a) of the Act subsequent to the date temporary residence was granted, a waiver of the additional ground of excludability will be required before permanent resident status may be granted.

(3) *Grounds of exclusion that may not be waived.* Notwithstanding any other provision of the Act the following provisions of section 212(a) of the Act may not be waived by the Attorney General under paragraph (g)(2) of this section:

(i) Paragraphs (9) and (10) (criminals);

(ii) Paragraph (15) (public charge) insofar as it relates to an application for adjustment to permanent residence by an alien other than an alien who is eligible for benefits under Title XVI of the Social Security Act or section 212 of Pub. L. 93-66 for the month in which such alien is granted lawful temporary residence status under subsection (a);

(iii) Paragraph (23) (narcotics), except for a single offense of simple possession of thirty grams or less of marijuana;

(iv) Paragraphs (27) (prejudicial to the public interest), (28) (communists), and (29) (subversive);

(v) Paragraph (33) (participated in Nazi persecution).

(4) *Special rule for determination of public charge.* An alien who has a consistent employment history which shows the ability to support himself or herself and his or her family even though his or her income may be below the poverty level is not excludable under paragraph (g)(3)(ii) of this section. The alien's employment history need not be continuous in that it is uninterrupted. It should be continuous in the sense that the alien shall be regularly attached to the workforce, has an income over a substantial period of the applicable time, and has demonstrated the capacity to exist on his or her income and maintain his or her family without recourse to public cash assistance. This regulation is prospective in that the Service shall determine, based on the alien's history, whether he or she is likely to become a public charge. Past acceptance of public cash assistance within a history of consistent employment will enter into this decision. The weight given in considering applicability of the public charge provisions will depend on many factors, but the length of time an applicant has received public cash assistance will constitute a significant factor.

(5) *Public cash assistance and criminal history verification.* Declarations by an applicant that he or she has not been the recipient of public cash assistance and/or has not had a criminal record are subject to a verification of facts by the Service. The applicant must agree to fully cooperate in the verification process. Failure to assist the Service in verifying information necessary for proper adjudication may result in a denial of the application.

(h) *Departure.* An applicant for adjustment to lawful permanent resident status under section 245A(b)(1) of the Act who was granted lawful temporary resident status under section 245A(a) of the Act, shall be permitted to return to the United States after such brief and casual trips abroad, as long as the alien reflects a continuing intention to adjust to lawful permanent resident status. However, such absences from the United States must not exceed the periods of time specified in § 245a.3(b)(2) of this chapter in order for the alien to maintain continuous residence as specified in the Act.

(i) *Decision.* The applicant shall be notified in writing of the decision, and, if the application is denied, of the reason therefor. A party affected under this part by an adverse decision is entitled to file an appeal on Form I-694.

(j) *Appeal process.* An adverse decision under this part may be appealed to the Associate Commissioner, Examinations (Administrative Appeals Unit). Any appeal with the required fee shall be filed with the Regional Processing Facility within thirty (30) days after service of the Notice of Denial in accordance with the procedures of § 103.3(a) of this chapter. An appeal received after the thirty (30) day period has tolled will not be accepted. The thirty (30) day period includes any time required for service or receipt by mail.

(k) *Motions.* The Regional Processing Facility director may *sua sponte* reopen and reconsider any adverse decision. When an appeal to the Associate Commissioner, Examinations (Administrative Appeals Unit) has been filed, the INS director of the Regional Processing Facility may issue a new decision that will grant the benefit which has been requested. The director's new decision must be served on the appealing party within forty-five (45) days of receipt of any briefs and/or new evidence, or upon expiration of the time allowed for the submission of any briefs.

(l) *Certifications.* The regional processing facility director may, in accordance with § 103.4 of this chapter, certify a decision to the Associate Commissioner, Examinations (Administrative Appeals Unit) when the case involves an unusually complex or novel question of law or fact.

(m) *Date of adjustment to permanent residence.* The status of an alien whose application for permanent resident status is approved shall be adjusted to that of a lawful permanent resident as of the date indicated on the application fee receipt issued at a Service Legalization Office.

Dated: April 28, 1987.

Alan C. Nelson,  
Commissioner.

[FR Doc. 87-9895 Filed 4-30-87; 8:45 am]

BILLING CODE 4410-10-M

## 8 CFR Parts 109 and 274a

[INS No. 1023-87]

### Control of Employment of Aliens

AGENCY: Immigration and Naturalization Service, Justice.

**ACTION:** Final rule.

**SUMMARY:** This rule adds Part 274a and redesignates Part 109 with amendments as Part 274a, Subpart B, by: (1) Defining terms to clarify the regulations; (2) adding new sections to establish procedures for the verification of employment eligibility for workers in the United States; (3) delineating new sections to establish enforcement and process procedures for violations; (4) redesignating Part 109 (Employment Authorization) as Subpart B of Part 274a to consolidate into one part what would otherwise be dispersed regulations. The rule is necessitated by the Immigration Reform and Control Act of 1986, Pub. L. 99-603, which amended the Immigration and Nationality Act (Act) by adding provisions prohibiting the unlawful employment of aliens. These provisions make it unlawful to hire, recruit or refer for a fee for employment, unauthorized aliens in the United States. The rule provides for an employment eligibility verification system designed to prevent the employment of unauthorized aliens. The statute mandates the Attorney General to issue regulations implementing these provisions not later than June 1, 1987.

**EFFECTIVE DATE:** June 1, 1987.

**FOR FURTHER INFORMATION CONTACT:** Walter D. Cadman, Deputy Assistant Commissioner, Investigations Division, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, Telephone: (202) 633-2997.

**SUPPLEMENTARY INFORMATION:** Since 1972 numerous attempts have been made by Congress and recent Administrations to pass immigration reform legislation. The imposition of sanctions on employers has been a central element of nearly all such attempts with the view that curbing illegal immigration would not be effective without such sanctions. The Select Commission on Immigration and Refugee Policy was established by Congress in October 1978. It was created to review immigration policy issues, assess the impact of legal and illegal immigrants on the nation, and recommend changes in policy and practice. The Commission made a series of over 70 recommendations concerning these issues in its final report in May 1981. Those recommendations included the imposition of employer sanctions to control illegal immigration. Thereafter a Cabinet level task force reviewed the Select Commission Report and other recommendations on immigration reform. In 1981 and 1982 alone some 28 hearings were conducted by House and

Senate immigration subcommittees on proposed immigration reform.

Since 1975 INS has vigorously worked in the spirit of cooperation with employers on an ad hoc basis to encourage a policy of employing only U.S. citizens and aliens lawfully authorized to work in the United States. The success of this effort, called Operation Cooperation, has been encouraging, but with the limits of INS resources and lack of statutory backing such programs have been of limited effectiveness. Mandatory compliance is the only effective mechanism that reduces "pull" factors that encourage rather than discourage illegal immigration.

On November 6, 1986, the President signed into law the Immigration Reform and Control Act of 1986, Pub. L. 99-603, (IRCA). This legislation is the most comprehensive reform of our immigration laws in 35 years. The employer sanctions provisions of IRCA constitute one of three cornerstones on which immigration reform is based. The other two are increased enforcement measures and legalization.

Section 101 of IRCA is designed to control the unlawful employment of aliens in the United States by imposing civil and criminal penalties on those persons and entities that hire, or that recruit or refer for a fee unauthorized aliens. Section 101 of IRCA amends the Act by adding section 274A which closes a large gap in the enforcement of our immigration laws by: (1) Making it unlawful to hire, recruit or refer for a fee unauthorized aliens; (2) requiring those who hire, or who recruit or refer for a fee individuals for employment, to verify both the identity and employment eligibility of such individuals and (3) making it unlawful to continue to employ unauthorized aliens hired after November 6, 1986. While section 112 of IRCA amends section 274(a) of the Act (which sets forth criminal penalties for individuals who harbor illegal aliens), employment of illegal aliens in and of itself does not constitute harboring under section 274(a) of the Act as amended.

Since enactment of IRCA, INS has been working to develop these rules along with a balanced enforcement policy. On January 20, 1987, INS published a notice in the *Federal Register* to solicit comments from the public and other interested parties concerning draft rules implementing the employer provisions of IRCA. Interested parties were also provided with preliminary working drafts for review and comment. Numerous comments were received from a wide cross-section of society.

These comments were reviewed and evaluated in the development of a proposed rule, published in the *Federal Register* on March 19, 1987. The proposed rule invited comment on all issues, particularly those concerning: the nature of verification; the mandatory and universal aspect of the requirements for employers to complete and maintain the designated form; the range of documents which should be accepted under the regulation to establish identity; the guidelines relating to the role of state employment agencies in the issuance of verification certificates; the application of penalties to procedural as well as substantive violations of the Act; and the necessary changes to prior Part 109 of the regulations, redesignated as Subpart B of Part 274a in the proposed rule.

#### Public Comments

##### General Information

Approximately 4,000 comments were received from the public during the comment period. Additionally, hundreds of telephone calls were received. Commentors represented a very broad spectrum of American society and included private citizens; agricultural, business, industrial and labor organizations; Congressional sources and governmental entities at the federal, state, and local levels; educational institutions; voluntary agencies; interest groups and organizations; and law firms. Because many of these commentors provided their views on several different sections of the proposed rules within one response, the figures provided below are approximate as to the number of comments received in each area of concern. INS is appreciative of the number of responses and instructive comments, which clearly reflect the broad public interest in this statute.

The comments received in many instances enlightened Service officials concerning prevailing business and industry practices, and the problems which employers face in verification and the other responsibilities imposed by IRCA. As a result, there are some significant refinements in the rule, which INS believes are in the public interest and that represent a logical outgrowth of the comments. While the final rule may not satisfy the concerns of everyone who commented, INS believes that most issues have been addressed in the spirit of mutual dialogue. Every effort has been made to minimize the impact of our requirements on the affected parties, consistent with the statute; and to ensure continuity with other agencies' guidelines and definitions, to the extent possible. Furthermore, INS expects that

these guidelines will prove sufficiently flexible so that employers and others required to comply with statutory and regulatory procedures will be able to do so in ways that suit current personnel hiring, recruiting and referring practices with minimal disruption.

INS will continue to encourage voluntary cooperation and compliance along with traditional enforcement in achieving the goal of this legislation. INS has established a new office for Employer and Labor Relations to administer a program of education and cooperation with employers and other affected entities. Many public appearances have been made by INS officials in the last few months to inform and solicit comments from interested parties. INS envisions a balanced approach between education and cooperation, and strict enforcement of penalties for egregious and persistent violators. INS will continue to develop agency guidelines and policies which further the goals of education, information, and employer awareness as effective methods of ensuring public support and voluntary compliance.

Consistent with this intent, INS wishes to remind the public that IRCA and Title VII of the Civil Rights Act prohibit discrimination in employment, or recruitment or referral for a fee for employment, on the basis of national origin. Additionally, IRCA generally prohibits discrimination on the basis of citizenship status in the case of a citizen or intending citizen. There are serious penalties which may be applied to those who violate the anti-discrimination laws of the United States. It is important to recognize that the purpose of the employer verification provisions of IRCA is not to discriminate against those with the right to work in the United States, regardless of their alienage or citizenship status. Rather, the purpose is to halt unlawful employment of those not entitled to work, and thus to have an ameliorative effect on illegal immigration to the United States. Application of the verification laws and voluntary compliance by employers will enhance job opportunities for lawfully authorized workers.

##### Comments Received

###### 1. Recruiters and Referrers

By far the vast majority of comments (over 3,100), and the most contentious, related to the Service's proposed regulations in regard to recruiters and referrers. Many professionals in this industry were concerned that: (1) They would have to retroactively verify the

status of individuals whom they had recruited or referred since enactment of IRCA; (2) they would be prospectively required to perform verifications on all individuals recruited or referred, despite the fact that many of these individuals would either express no interest in the recruitment, or would not be hired as the result of referral; and (3) they would have to perform face-to-face verifications, despite prevailing industry practices relating to telephonic recruitments over long distances where there is no opportunity for such verifications.

INS carefully scrutinized the public comments received relating to this issue and performed an analysis of the extent of regulatory flexibility which was permitted by statute. Although it was determined that an absolute waiver of requirements for recruiters and referrers was beyond the permissible statutory scope, the Service has significantly modified the terms under which such entities may comply. Under the final rule: (1) Recruiters and referrers will not be required to retroactively verify individuals recruited or referred during the period, given the impossibility of this task; (2) the regulations have been amended so that referrers and recruiters need to verify within three business days of hiring only those individuals actually hired as the result of the referral; and (3) the verification procedures for recruiters and referrers have been amended to permit completion of the process by those who act as agents in their interest. This includes, but is not limited to affiliates, notaries, attorneys, national organizations, and even employers who hire the referred individuals. In this way, verifications used not be performed in person by the recruiter or referrer. These modifications to the proposed rule will greatly alleviate the concerns expressed by recruiters and referrers over the verification process. By statute, however, liability still rests with the recruiter or referrer.

#### 2. Use of Agents

A similar concern expressed in the comments received from some employers and others indicated misunderstanding regarding their ability to use commonly accepted legal principles to delegate verification responsibilities through contractual or business arrangements. Approximately 75 responses were received on this concern. The definition of the term "employer" found in 8 CFR 274a.1(g) and the verification procedures outlined for recruiters and referrers in 8 CFR 274a.2(b)(1)(iv) specifically permit these arrangements. These provisions of the

regulations incorporate the concepts found in the Fair Labor Standards Act. They provide great flexibility in the use of intermediaries for verification, because, rather than establish a restrictive definition of agent, they permit verification by anyone "acting in [the employer's recruiter's or referrer's] interest." Employers, recruiters, and referrers may use central clearing houses or similar organizations to satisfy the document verification requirements of the Act. However, liability remains with the employer, the recruiter, or the referrer for any failure of the third party to satisfy the requirements of law.

#### 3. Retroactive Verification

Another similar concern was expressed by employers concerning their responsibility to retroactively verify employees who were hired subsequent to enactment but prior to June 1, 1987. Approximately 50 responses were received on this issue. Recognizing these concerns, INS has taken the following steps in the final rule: (1) Employees who were hired but quit or were terminated within this period need not be verified; (2) employees who were hired within this period and continue to be employed, must be verified on or before September 1, 1987; and (3) as stated above, recruiters and referrers need not verify individuals recruited or referred within the period. Many concerns were expressed to INS about the lack of availability of a final Form I-9 during the public education period prior to June 1. INS recognizes that some employers took the step, in good faith, of commencing retroactive verification of employees using the version of the form which was published for comment with the proposed rule on March 19, 1987. In such instances, INS will accept verifications which were performed using this form as satisfying the requirements of the law and regulations. However, only the finalized Form I-9 should be used for verifications performed on or after June 1.

#### 4. Union Hiring Halls

Approximately 60 comments were received on the issue of whether union hiring halls constituted a form of recruitment or referral for a fee based upon union dues paid. Opinions were divided on this matter. The final rule excludes union hiring halls from such definition. INS does not believe inclusion of these entities was within Congressional intent. However, such arrangements may be included in contractual or collective bargaining agreements between unions and

employers where they are in the interests of both parties.

#### 5. Definition of Hire

The Service in its proposed rules defined "hire" as the "actual commencement of employment of an employee . . ." This aroused public concern as to the appropriate time for completion of the verification process. Approximately 20 comments were received in this regard. INS realizes that employers with decentralized operations may actually hire an individual well in advance of the time that the employee commences work. While the regulations state that the Service wishes to stress that verification may be completed either at the time of an individual's acceptance of an offer of employment or at the time employment actually commences.

#### 6. State Employment Agency Verification

The rule provides for procedures relating to verification by a state employment agency. These procedures were developed on the basis of discussions with state employment agencies. INS also attended several open forums at which state employment agencies were well represented. INS anticipates that future modifications to this rule will be forthcoming in order to further develop standardized certification forms and procedures for all state agencies which choose to exercise the option to issue certifications which is granted them under the statute.

#### 7. Pre-enactment ("Grandfather") Status

The proposed rule specified that a pre-enactment employment status is retained by an individual even though temporarily interrupted because of leave for study, illness, pregnancy, or transfer from one location to another with the same company. It provided that status would be lost by termination, exclusion, or deportation. Approximately 15 comments were received from the public, including labor law attorneys familiar with other agencies' definitions and procedures. The commentators recommended that the rule address other temporary employment interruptions. INS has considered these suggestions, and adopted several of them, including: Strikes and layoffs where there is a reasonable basis for believing that the individual will be reemployed by the same employer; promotions or demotions within the same company and intracompany transfers; and other temporary leaves which have been

approved by the employer. The public is directed to the regulations for other examples of interruptions which do not cause loss of the pre-enactment status of the individual.

The public should be aware that pre-enactment status pertains to the continued employment of individuals hired, recruited, or referred prior to November 7, 1986 only. It does not accord an illegal alien the right to remain in the United States.

#### 8. Independent Contractor

Several business entities (approximately 25) provided their views on this aspect of the proposed regulations. They recommended that INS include the term "independent contractor" among the definitions in the regulations. The final rule specifies criteria and factors that are to be considered in determining whether a particular business arrangement constitutes an agreement with an independent contractor as opposed to an employee. The criteria and factors which have been enumerated are consistent with current Internal Revenue Service guidelines. Those who engage the labor services of an independent contractor are not responsible for verification of the employment eligibility of the employees of the independent contractor. However, contracts may not be used for the purposes of circumventing the employment eligibility verification requirements of employees.

#### 9. Three-day Period for Completion of Verification

Approximately 30 comments were received on this proposed rule from various sources, including governmental employing entities. Commentors generally believed that the three-day period for completion of verification is sufficient. However, it was recommended that an exception be made for an individual who does not possess an acceptable document and needs to secure one for verification. It was noted that even large numbers of United States citizens are not in possession of certain documents and may need additional time to obtain them. Commentors were concerned that failure to provide an exception to the three-day requirement might result in unemployment of authorized workers who are awaiting replacement or initial issuance of documents.

The final rule allows an exception in cases where an individual has lost a document or has not yet obtained a document necessary for either identity or work authorization purposes. In such a case, the individual is required to present a receipt for the application of

the document within three days, and present the required document itself within twenty-one days.

#### 10. Identification Documents

The proposed rule required employees to present an employer with a document or documents that establish identity and employment eligibility. With regard to documents that establish identity alone, the proposed rule required presentation of a state-issued driver's license or state-issued identification card except where the individual is under sixteen years old or lives or works in one of the eight states that does not issue an identification card. The statute allows the Attorney General to designate alternative identity documents for individuals covered by the two exceptions.

Approximately 60 responses concerned this issue. Public comment was received from a variety of sources, including private individuals, several colleges, and some agricultural enterprises such as produce farmers. Many strongly opposed these restrictions on the use of alternative documents. Commentors noted that the requirement would be extremely confusing for employers and unnecessarily burdensome for individuals who do not have a driver's license or identification card, yet might have one of the designated alternative documents.

The final rule establishes an expanded list of identity documents and permits parents or guardians to sign the Form I-9 on behalf of minors under sixteen years of age. Documents from this expanded list can be used by anyone in any state for the purpose of establishing identity.

In terms of number and variety, the list contains a wide range of identity documents and is based upon recommendations received in response to the proposed rule. The list has been defined in consideration of the recency of the legislation and in recognition of the fact that a comprehensive but reasonable list is in the interest of the public at this time.

The statute mandates that any alternative identity document provide a "reliable means of identification." The Congress, both in the statute and in its legislative history, expressed a particular concern with fraud in the verification system. For these reasons, INS will closely monitor the reliability and integrity of the list of alternative identity documents. After a sufficient period of time has elapsed to enable the public to become accustomed to and familiar with the law, and based upon information acquired from system

monitoring, INS may propose amendments to this list.

#### 11. I-9 Retention

In response to public comment, the one-year period of validity of the I-9 for rehiring purposes has been expanded to three years in the final rule. This period coincides with the minimum retention period required for the Form I-9. Also, INS believes that this three year rehire provision adequately deals with the concerns of temporary help companies. Such temporary help companies can rehire the same individual without limit during a three year period (beginning on the date the Form I-9 was initially completed) as long as the individual remains authorized to work.

#### 12. Authority to Inspect I-9

There were numerous public comments on the proposed rule regarding inspection of the Form I-9. The Service believes that the final rule requiring employers to produce the Form I-9 for inspection upon request of an INS officer after three days notice is well within our statutory authority. IRCA provides at section 274A(B)(3) that "the person or entity must retain the form (Form I-9) and make it available for inspection by officers of the Service or the Department of Labor beginning on the date . . . ." The final regulations specify that INS will provide employers or others with three days advance notice of an inspectional visit, in order that they may comply with a request for production of the Form I-9. IRCA does not require Service officers to present a subpoena or warrant prior to a request to inspect. Furthermore, they will be permitted to produce the forms to the Service office which is located closest to the place where the forms have been retained, if different from where the demand was made. However, this does not preclude INS from obtaining warrants based on probable cause, for entry onto the premises of suspected violators without advance notice. The past experience of many agencies with similar responsibilities has proven the occasional necessity of such actions, where serious, repeated violators are concerned.

#### 13. Good Faith Defense

An employer, recruiter, or referrer who establishes that he or she has acted in good faith to comply with the verification requirements of the regulations will have established an affirmative yet rebuttable defense that he or she has in fact complied with the law with respect to such hiring, recruiting, or referral. An employer,

recruiter, or referrer must attest on Form I-9 that he or she has verified the employment eligibility and identity of an individual hired, recruited, or referred. This attestation may be made if the document or combination of documents examined in the verification process reasonably appears on its face to be genuine.

#### 14. Organization of Subpart B: Employment Authorization

The rule redesignates Part 109, with amendments, as Part 274a, Subpart B, employment authorization. In response to public comments, § 274a.12, classes of aliens authorized to accept employment, has been expanded to identify aliens not previously identified in Part 109, and has also been subdivided to clarify and articulate classes of aliens who are or may be authorized to accept employment in the United States. The section contains three paragraphs generally categorizing these classes, which include: (1) Aliens authorized employment incident to status, whose employment authorization is not restricted in terms of location or type of employment and who need not seek employment authorization from INS; (2) aliens authorized employment with a specific employer incident to status, whose employment is subject to the restrictions imposed upon the particular nonimmigrant classification; and (3) aliens who must apply to INS for employment authorization. Within these paragraphs, the rule contains a comprehensive listing of employment authorization classifications.

#### 15. Nonimmigrant Student Employment Authorization

In response to the proposed rule, numerous institutions of higher learning urged INS to retain the procedure concerning on-campus employment for full-time students, and for students in a work-study program which is part of the regular curriculum available within the student's program of study. The final regulations incorporate these recommendations by classifying on-campus employment as employment which is incident to the student's status. Academic institutions will need to comply with the employment verification requirements of IRCA with respect to these nonimmigrant students.

#### 16. Employment Authorization for Temporary Workers, Exchange Visitors, and Intra-company Transferees

In response to public comments, the final rule provides for an automatic extension of employment authorization for a period of 120 days for H, J, and L

nonimmigrants who have filed timely applications for extensions of stay. The automatic extension of employment authorization is valid only for an alien who continues employment with the same employer. In the event that INS is unable to adjudicate such an application for extension of status within the 120 day period, the alien may apply for employment authorization pursuant to the application procedure defined in the rule. Thus the regulations address continued employment authorization for employment-related classifications of nonimmigrant aliens during periods when extensions of stay are pending. They also recognize the possibility of delays in the processing of applications for extensions of stay, and provide an application procedure in the event of any unusual delay. These provisions were added in direct response to the recommendations of commentators.

#### 17. Interim Employment Authorization

The final rule requires INS to adjudicate an application for employment authorization within sixty days from the date of the receipt by INS of the application or the date of the receipt of a returned application. Any application for employment authorization not adjudicated within sixty days will result in an automatic grant to the applicant of interim employment authorization for a period of up to 120 days. In promulgating this rule, INS recognizes the importance of expeditious processing of employment authorization applications. As in the case of the rule regarding employment authorizations for certain nonimmigrant extension applicants, this regulation was developed in response to public comment.

#### 18. Automatic Termination of Temporary Employment Authorization

In the past, Service practice was not uniform in the grant of temporary work authorization to certain aliens such as nonimmigrants and parolees. These individuals were sometimes granted work authorization for indefinite periods of time despite its "temporary" nature, on Service Form I-94 or other documents. In order to reconcile this inconsistency with the terms of IRCA, INS has specified in the regulations that any temporary employment authorization granted prior to June 1, 1987, pursuant to 8 CFR 109.1(b) or its redesignation as § 274a.12(c), shall automatically terminate on the date specified by the Service on the document issued to the alien, or on June 1, 1988, whichever is earlier. Any document issued by the Service prior to

June 1, 1987 that authorizes temporary employment for an indefinite period beyond June 1, 1988 will become null and void on June 1, 1988, and must be surrendered to the Service on the date of the document's expiration or on June 1, 1988, whichever is earlier. The public is advised that no notice of intent to revoke or other Service advisory is necessary under this rule.

Automatic termination of such employment authorization does not preclude a subsequent application for employment authorization. The rule requires the issuance of a new employment authorization provided that the alien remains eligible for employment in the United States. This regulation is not applicable to an alien whose employment authorization is inherent in his or her status, such as a lawful permanent resident.

This rule is promulgated for the sole purpose of enabling INS to replace the multiplicity of outstanding employment authorization documents with a standard, uniform document. INS is taking this step because it believes this transition to a new uniform document is in the interest of employers and those aliens authorized to work in the United States.

This rule is a major rule within the context of E.O. 12291 in terms of the effect it will have on the national economy. A Regulatory Impact Analysis in conjunction with a Regulatory Flexibility Analysis as required by 5 U.S.C. 603 and 604, is available for review by the public upon request.

The information collection requirements contained in this regulation have been submitted to and cleared by OMB under the Paperwork Reduction Act.

#### List of Subjects

##### 8 CFR Part 109

Aliens, Employment.

##### 8 CFR Part 274a

Administrative practice and procedure, Aliens, Employment.

For the reasons set out in the preamble, INS amends Chapter I of Title 8 of the Code of Federal Regulations as follows:

#### PART 109—EMPLOYMENT AUTHORIZATION

1. Part 109 is removed and reserved.
2. A new Part 274a is added to read as follows:

**PART 274a—CONTROL OF EMPLOYMENT OF ALIENS****Subpart A—Employer Requirements**

Sec.

- 274a.1 Definitions.
- 274a.2 Verification of employment eligibility.
- 274a.3 Continuing employment of unauthorized aliens.
- 274a.4 Good faith defense.
- 274a.5 Use of labor through contract.
- 274a.6 State employment agencies.
- 274a.7 Pre-enactment provisions for employees hired prior to November 7, 1986.
- 274a.8 Prohibition of indemnity bonds.
- 274a.9 Enforcement procedures.
- 274a.10 Penalties.
- 274a.11 Special rule for legalization, special agricultural worker and Cuban/Haitian entrant adjustment applicants.

**Subpart B—Employment Authorization**

- 274a.12 Classes of aliens authorized to accept employment.
- 274a.13 Application for employment authorization.
- 274a.14 Termination of employment authorization.

Authority: Secs. 101, 1103, 274A of the Immigration and Nationality Act, 8 U.S.C. 1101, 1103, 1324A.

**Subpart A—Employer Requirements****§ 274a.1 Definitions.**

For the purpose of this chapter—

(a) The term "unauthorized alien" means, with respect to employment of an alien at a particular time, that the alien is not at that time either: (1) Lawfully admitted for permanent residence, or (2) authorized to be so employed by this Act or by the Attorney General;

(b) The term "entity" means any legal entity, including but not limited to, a corporation, partnership, joint venture, governmental body, agency, proprietorship, or association;

(c) The term "hire" means the actual commencement of employment of an employee for wages or other remuneration;

(d) The term "refer for a fee" means the act of sending or directing a person or transmitting documentation or information to another, directly or indirectly, with the intent of obtaining employment in the United States for such person, for remuneration whether on a retainer or contingency basis; however, this term does not include union hiring halls that refer union members or non-union individuals who pay union membership dues;

(e) The term "recruit for a fee" means the act of soliciting a person, directly or indirectly, and referring that person to another with the intent of obtaining employment for that person, for

remuneration whether on a retainer or contingency basis; however, this term does not include union hiring halls that refer union members or non-union individuals who pay union membership dues;

(f) The term "employee" means an individual who provides services or labor for an employer for wages or other remuneration but does not mean independent contractors as defined in paragraph (j) of this section or those engaged in casual domestic employment as stated in paragraph (h) of this section;

(g) The term "employer" means a person or entity, including an agent or anyone acting directly or indirectly in the interest thereof, who engages the services or labor of an employee to be performed in the United States for wages or other remuneration. In the case of an independent contractor or contract labor or services, the term "employer" shall mean the independent contractor or contractor and not the person or entity using the contract labor;

(h) The term "employment" means any service or labor performed by an employee for an employer within the United States, including service or labor performed on a U.S. vessel or U.S. aircraft which touches at a port in the United States, but does not include casual employment by individuals who provide domestic service in a private home that is sporadic, irregular, or intermittent;

(i) The term "State employment agency" means any State government unit designated to cooperate with the United States Employment Service in the operation of the public employment service system;

(j) The term "independent contractor" includes individuals or entities who carry on independent business, contract to do a piece of work according to their own means and methods, and are subject to control only as to results. Whether an individual or entity is an independent contractor, regardless of what the individual or entity calls itself, will be determined on a case-by-case basis. Factors to be considered in that determination include, but are not limited to, whether the individual or entity: Supplies the tools or materials; makes services available to the general public; works for a number of clients at the same time; directs the order or sequence in which the work is to be done and determines the hours during which the work is to be done. The use of labor or services of an independent contractor are subject to the restrictions in section 274A(a)(4) of the Act and § 274a.5 of this part;

(k) The term "pattern or practice" means regular, repeated, and intentional

activities, but does not include isolated, sporadic, or accidental acts.

**§ 274a.2 Verification of employment eligibility.**

A. *General.* This section states the requirements and procedures persons or entities must comply with when hiring, or when recruiting or referring for a fee, individuals in the United States, or continuing to employ aliens knowing that the aliens are (or have become) unauthorized aliens. The Form I-9, Employment Eligibility Verification Form, has been designated by the Service as the form to be used in complying with the requirements of this section. The Form I-9 may be obtained in limited quantities at INS District Offices, or ordered from the Superintendent of Documents, Washington, DC 20402. The Form I-9 may be photocopied or printed without regard to the restrictions set forth in § 299.4 of this Chapter. Employers need only complete the Form I-9 for individuals who are hired after November 6, 1986 and continue to be employed after May 31, 1987. Employers shall have until September 1, 1987 to complete the Form I-9 for individuals hired from November 7, 1986 through May 31, 1987. Recruiters and referrers for a fee need complete the Form I-9 only for those individuals who are recruited or referred after May 31, 1987. In conjunction with completing the Form I-9, an employer or recruiter or referrer for a fee must examine documents that evidence the identity and employment eligibility of the individual. The employer or recruiter or referrer for a fee and the individual must each complete an attestation on the Form I-9 under penalty of perjury. However, if an individual attests to an employer or recruiter or referrer for a fee, that he or she is an alien who intends to apply or has applied for benefits under the provisions of section 245A or 210 of the Act or section 202 of the Immigration Reform and Control Act of 1986, then the individual is authorized to work in the United States until September 1, 1987 without providing the employer or the recruiter or referrer for a fee with documentary evidence of work authorization. In this case, the employer, or the recruiter or referrer for a fee, should follow the procedures set forth in § 274a.11 of this part. Employers and recruiters and referrers for a fee who fail to comply with the employment verification requirements set forth in paragraph (b) of this section shall be subject to penalties as stated in § 274a.10 of this part.

(b) *Employment verification requirements*—(1) *Examination of documents and completion of Form I-9.*

(i) An individual who is hired or is recruited or referred for a fee for employment must:

(A) Complete Section 1—"Employee Information and Verification" on the Form I-9 at the time of hiring; or if an individual is unable to complete the Form I-9 or needs it translated, someone may assist him or her. The preparer or translator must read the Form to the individual, assist him or her in completing Section 1—"Employee Information and Verification," and have the individual sign or mark the Form in the appropriate place. The preparer or translator should then complete the "Preparer/Translator Certification" portion of the Form I-9; and

(B) Present to the employer or the recruiter or referrer for a fee documentation as set forth in paragraph (b)(1)(v) of this section establishing his or her identity and employment eligibility within the time limits set forth in paragraphs (b)(1)(ii) through (v) of this section. However, pursuant to the "Special Rule" set forth in § 274a.11 of this part, legalization, special agricultural worker, and Cuban/Haitian entrant adjustment applicants are authorized to work without presenting documentation establishing work authorization until September 1, 1987.

(ii) except as provided in paragraph (b)(viii) of this section, an employer, his or her agent, or anyone acting directly or indirectly in the interest thereof, must within three business days of the hire:

(A) Physically examine the documentation presented by the individual establishing identity and employment eligibility as set forth in paragraph (b)(1)(v) of this section; and

(B) Complete Section 2—"Employer Review and Verification" on the Form I-9.

(iii) An employer, his or her agent, or anyone acting directly or indirectly in the interest thereof, who hires an individual for employment for a duration of less than three business days must comply with paragraphs (b)(1)(ii)(A)-(B) of this section before the end of the employee's first working day.

(iv) A recruiter or referrer for a fee for employment must comply with paragraphs (b)(1)(ii)(A)-(B) of this section within three business days of the date the referred individual was hired by the employer. Recruiters and referrers may designate agents to complete the employment verification procedures on their behalf including but not limited to notaries, national associations, or employers. If a recruiter or referrer designates an employer to

complete the employment verification procedures, the employer need only provide the recruiter or referrer with a photocopy of the Form I-9.

(v) The individual may present either an original document that establishes both employment authorization and identity, or an original document that establishes employment authorization and a separate original document that establishes identity. The document identification number and expiration date (if any) should be noted in the appropriate space provided on the Form I-9. An employer or a recruiter or referrer for a fee may not specify which document or documents an individual is to present.

(A) The following documents are acceptable to evidence both identity and employment eligibility:

(1) United States passport;  
(2) Certificate of United States Citizenship, INS Form N-560 or N-561;  
(3) Certificate of Naturalization, INS Form N-550 or N-570;

(4) An unexpired foreign passport which:

(i) contains an unexpired stamp therein which reads, "Processed for I-551. Temporary Evidence of Lawful Admission for permanent residence. Valid until \_\_\_\_\_. Employment authorized." or

(ii) has attached thereto a Form I-94 bearing the same name as the passport and contains an employment authorization stamp, so long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the Form I-94.

(5) Alien Registration Receipt Card, INS Form I-151 or Resident Alien INS Form I-551, provided that it contains a photograph of the bearer;

(6) Temporary Resident Card, INS Form I-688;

(7) Employment Authorization Card, INS Form I-688A.

(B) The following documents are acceptable to establish identity only:

(1) For individuals 16 years of age or older:

(i) a state-issued driver's license or state-issued identification card containing a photograph. If the driver's license or identification card does not contain a photograph, identifying information should be included such as: Name, date of birth, sex, height, color of eyes, and address;

(ii) School identification card with a photograph;

(iii) Voter's registration card;

(iv) U.S. military card or draft record;

(v) Identification card issued by federal, state, or local government agencies or entities;

(vi) Military dependent's identification card;

(vii) Native American tribal documents;

(viii) United States Coast Guard Merchant Mariner Card;

(ix) Driver's license issued by a Canadian government authority;

(2) For individuals under age 16 who are unable to produce a document listed in paragraph (b)(1)(v)(B)(1) of this section, the following documents are acceptable to establish identity only:

(i) School record or report card;

(ii) Clinic doctor or hospital record;

(iii) Daycare or nursery school record.

(3) Minors under the age of 16 who are unable to produce one of the identity documents listed in paragraph (b)(1)(v)(B)(1) or (2) of this section are exempt from producing one of the following procedures are followed:

(i) The minor's parent or legal guardian completes on the Form I-9 Section 1—"Employee Information and Verification" and in the space for the minor's signature, the parent or legal guardian writes the words, "minor under age 16."

(ii) The minor's parent or legal guardian completes on the Form I-9 the "Preparer/Translator certification."

(iii) The employer or the recruiter or referrer for a fee writes in Section 2—"Employer Review and Verification" under List B in the space after the words "Document Identification #" the words, "minor under age 16."

(C) The following are acceptable documents to establish employment authorization only:

(1) A social security number card other than one which has printed on its face "not valid for employment purposes";

(2) An unexpired reentry permit, INS Form I-327;

(3) An unexpired Refugee Travel document, INS Form I-571;

(4) A Certification of Birth issued by the Department of State, Form FS-545;

(5) A Certification of Birth Abroad issued by the Department of State, Form DS-1350;

(6) An original or certified copy of a birth certificate issued by a State, county, or municipal authority bearing a seal;

(7) An employment authorization document issued by the Immigration and Naturalization Service;

(8) Native American tribal document;

(9) United States Citizen Identification Card, INS Form I-197;

(10) Identification card for use of resident citizen in the United States, INS Form I-179.

(vi) If an individual is unable to provide the required document or documents within the time periods specified in paragraphs (b)(1)(ii) and (iv) of this section, the individual must present a receipt for the application of the document or documents within three days of the hire and present the required document or documents within 21 days of the hire.

(vii) If an individual's employment eligibility document expires, the employer or the recruiter or referrer for a fee must update the Form I-9 to reflect that the individual is still authorized to work in the United States; otherwise the individual may no longer be employed, recruited, or referred. In order to update the Form I-9, the employee or referred individual must present a document that either shows continuing employment eligibility or is a new grant of work authorization. The employer or the recruiter or referrer for a fee should review this document, and if it appears to be genuine and to relate to the individual, update the form by noting the document's identification number and expiration date of the Form I-9.

(viii) An employer is not required to reverify an employee's employment eligibility as set forth in paragraphs (b)(1)(i)-(v) of this section if the employee is continuing his or her employment and at all times has a reasonable expectation of employment. "Continuing employment" includes but is not limited to situations where:

(A) The employee takes approved paid or unpaid leave on account of study, illness or disability of a family member, illness or pregnancy, maternity or paternity leave, vacation, union business, or other temporary leave approved by the employer;

(B) The employee is promoted, demoted, or gets a pay raise;

(C) The employee is laid off for lack of work;

(D) The employee is on strike or in a labor dispute;

(E) The employee is reinstated after disciplinary suspension for wrongful termination, found unjustified by any court, arbitrator, or administrative body, or otherwise resolved through reinstatement or settlement;

(F) The employee transfers from one distinct unit of an employer to another distinct unit of the same employer; the employer may transfer the employee's Form I-9 to the receiving unit; or

(G) The employee continues his or her employment with a related, successor, or reorganized employer, provided that the employer obtains and maintains from the previous records and Forms I-9 where applicable. For this purpose, a

related, successor, or reorganized employer includes:

(1) The same employer at another location;

(2) An employer who continues to employ some or all of a previous employer's workforce in cases involving a corporate reorganization, merger, or sale of stock or assets; or

(3) An employer who continues to employ some or all of another employer's workforce where both employers belong to the same multi-employer association and employees continue to work in the same bargaining unit under the same collective bargaining agreement.

(2) *Retention and Inspection of Form I-9.* (i) Form I-9 must be retained by an employer or a recruiter or referrer for a fee for the following time periods:

(A) In the case of an employer, three years after the date of the hire or one year after the date the individual's employment is terminated, whichever is later; or

(B) In the case of a recruiter or referrer for a fee, three years after the date of the referral.

(ii) Any person or entity required to retain Forms I-9 in accordance with this section shall be provided with at least three days notice prior to an inspection of the Forms by an authorized Service officer. At the time of inspection, the Forms I-9 must be made available at the location where the request for production was made, or if the Forms I-9 are kept at another location, at the nearest Service office to that location. No subpoena or warrant shall be required for such inspection. Any refusal or delay in presentation of the Forms I-9 for inspection is a violation of the retention requirements as set forth in section 274A(b)(3) of the Act. In addition, if the person or entity has not complied with a request to present the Forms I-9, any Service officer listed in section 242.1 of this chapter may compel production of the Forms I-9 by issuing a subpoena.

(3) *Copying of documentation.* An employer or a recruiter or referrer for a fee may, but is not required to, copy a document presented by an individual solely for the purpose of complying with the verification requirements of this section. If such copy is made, it must be retained with the Form I-9. The retention requirements in paragraph (b)(2) of this section do not apply to the photocopies.

(4) *Limitation on use of Form I-9.* Any information contained in or appended to the Form I-9, including copies of documents listed in paragraph (c) of this section used to verify an individual's identity or employment eligibility, may

be used only for enforcement of the Act and Sections 1001, 1028, 1546, or 1621 of Title 18, United States Code.

(c) *Employment verification requirements in the case of hiring an individual who was previously employed.* (1) When an employer hires an individual whom he or she has previously employed, if the employer has previously completed the Form I-9 and complied with the verification requirements set forth in paragraph (b) of this section with regard to the individual, the employer may (in lieu of completing a new Form I-9) inspect the previously completed Form I-9 and:

(i) If upon inspection of the Form I-9 relating to the individual, the employer determines that the Form I-9 relates to the individual and that the individual is eligible to work, no additional verification or new Form I-9 need be completed if the individual is hired within three years of the initial execution of the Form I-9; or

(ii) If upon inspection of the Form I-9, the employer determines that the individual is no longer eligible to work in the United States, the employer shall not rehire the individual unless he or she follows the updating procedures in paragraph (b)(1)(vii) of this section.

(2) For purposes of retention of the Form I-9 by an employer for a previously employed individual hired pursuant to paragraph (c)(1) of this section, the employer shall retain the Form I-9 for a period of three years commencing from the date of the initial execution of the Form I-9 or one year after the individual's employment is terminated, whichever is later.

(d) *Employment verification requirements in the case of recruiting or referring for a fee an individual who was previously recruited or referred.* (1) When a recruiter or referrer for a fee refers an individual for whom he or she has previously completed a Form I-9, and the recruiter or referrer has completed the Form I-9 and complied with the verification requirements set forth in paragraph (b) of this section with regard to the individual, the recruiter or referrer may (in lieu of completing a new Form I-9) inspect the previously completed Form I-9 and:

(i) If upon inspection of the Form I-9 relating to the individual, the recruiter or referrer determines that the Form I-9 relates to the individual and that the individual is authorized to work, no additional verification or new Form I-9 need be completed if the individual is referred within three years of the initial execution of the Form I-9; or

(ii) If upon inspection of the Form I-9, the recruiter or referrer determines that

the individual is no longer authorized to work in the United States, the recruiter or referrer shall not refer the individual for employment unless he or she follows the updating procedures in paragraph (b)(1)(vii) of this section.

(2) For purposes of retention of the Form I-9 by a recruiter or referrer for a previously referred individual pursuant to paragraph (d)(1) of this section, the recruiter or referrer shall retain the Form I-9 for a period of three years commencing from the date of the initial execution of the Form I-9.

**§ 274a.3 Continuing employment of unauthorized aliens.**

An employer who continues the employment of an employee hired after November 6, 1986, knowing that the employee is or has become an unauthorized alien with respect to that employment, is in violation of section 274(a)(2) of the Act.

**§ 274a.4 Good faith defense.**

An employer or a recruiter or referrer for a fee for employment who shows good faith compliance with the employment verification requirements of § 274a.2(b) of this part shall have established a rebuttable affirmative defense that the person or entity has not violated section 274A(a)(1)(A) of the Act with respect to such hiring, recruiting, or referral.

**§ 274a.5 Use of labor through contract.**

Any person or entity who knowingly uses a contract, subcontract, or exchange entered into, renegotiated, or extended after the date of enactment, to obtain labor or services of an unauthorized alien shall be considered to have hired the alien for employment in the United States in violation of section 274A(a)(1)(A) of the Act.

**§ 274a.6 State employment agencies.**

(a) *General.* A state employment agency as defined in § 274a.1 of this part may, but is not required to, verify employment eligibility pursuant to section 274A(b) of the Act. However, should a state employment agency choose to do so, it must:

(1) Complete the verification process for all individuals referred;

(2) Complete the verification process in accordance with the requirements of § 274a.2(b) of this part;

(3) Issue to an individual it refers a certification as set forth in paragraph (c) of this section, in which case an employer who hires the individual shall be deemed to have complied with the verification requirements of § 274a.2(b)(1) of this part, provided that the certification is retained by the employer in the same manner prescribed

for Form I-9 in § 274a.2(b)(2) of this part; and

(4) Require the surrender of the certification back to the agency by the individual referred, if he or she is not hired as a result of the referral.

(b) *Compliance with the provisions of section 274A of the Act.* State employment agencies which choose to verify employment eligibility of individuals pursuant to § 274a.2(b) of this part shall comply with all provisions of section 274A of the Act and the regulations issued thereunder, and are subject to the penalties provided in § 274a.10 of this part for failure to comply.

(c) *Procedures for state employment agency certification.* All certifications issued by a state employment agency pursuant to paragraph (a)(3) of this section shall conform to the following standards. They must:

(1) Be issued on official agency letterhead, signed by an appropriately designated official, and contain the embossed seal of the agency;

(2) Be addressed to the particular employing entity to which the individual is referred, and contain identifying data concerning the individual being referred;

(3) Certify that the state agency has complied with the requirements of section 274A(b) of the Act concerning verification of the identity and employment eligibility of the individual referred, and determined that the individual is authorized to work in the United States;

(4) Clearly stipulate any restrictions, conditions, or other limitations which relate to the individual's employment eligibility in the United States; and

(5) State that the employer is not required to reverify the individual's identity or employment eligibility, but must retain the certification letter in lieu of Form I-9.

(d) *Procedures for individuals who are certified by state employment agencies.* Any individual referred to a potential employer by a state employment agency pursuant to this section shall present the original certification to that employer. If the referred individual is hired, the certification shall be provided by the individual to the employer for retention. If the referred individual is not hired, the original certification shall be surrendered by the individual to the state employment agency which issued the certificate. No copies shall be made of this certification, except as provided in paragraph (e) of this section.

(e) *Retention of state employment agency certifications.* Certifications issued by state employment agencies pursuant to this section shall be retained

in the same manner and for the same period as Form I-9:

(1) In original form by the state employment agency, upon surrender by the individual referred if he or she is not hired; or

(2) In duplicate form by the state employment agency if the individual referred is hired; and

(3) In original form by the employer if the individual referred is hired.

**§ 274a.7 Pre-enactment provisions for employees hired prior to November 7, 1986.**

(a) The penalties provisions as set forth in section 274A (e) and (f) of the Act for violations of section 274A (a)(2) and (b) of the Act shall not apply to the "continuing employment" of an employee who was hired prior to November 7, 1986. For purposes of this section, "continuing employment" is defined in § 274a.2(b)(vi) of this part.

(b) For purposes of this section, an employee who was hired prior to November 7, 1986 shall lose his or her pre-enactment status if the employee:

(1) Quits; or

(2) Is terminated by the employer; the term termination shall include, but is not limited to, situations in which an employee is subject to seasonal employment; or

(3) Is excluded or deported from the United States or departs the United States under an order of voluntary departure.

**§ 274a.8 Prohibition of indemnity bonds.**

(a) *General.* It is unlawful for a person or other entity, in hiring or recruiting or referring for a fee for employment of an individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this part relating to such hiring, recruiting, or referring of the individual. However, this prohibition does not apply to performance clauses which are stipulated by agreement between contracting parties.

(b) *Penalty.* Any person or other entity who requires any individual to post a bond or security as stated in this section shall, after notice and opportunity for an administrative hearing in accordance with section 274A(e)(3)(B) of the Act, be subject to a civil fine of \$1,000 for each violation and to an administrative order requiring the return to the individual of any amounts received in violation of this section or, if the individual cannot be located, to the general fund of the Treasury.

**§ 274a.9 Enforcement procedures.**

(a) *Procedures for the filing of complaints.* Any person or entity having knowledge of a violation or potential violation of section 274A of the Act may submit a signed, written complaint in person or by mail to the Service office having jurisdiction over the business or residence of the potential violator. The signed, written complaint must contain sufficient information to identify both the complainant and the potential violator, including their names and addresses. The complaint should also contain detailed factual allegations relating to the potential violation including the date, time and place that the alleged violation occurred and the specific act or conduct of the employer alleged to constitute a violation of the Act. Written complaints may be delivered either by mail to the appropriate Service office or by personally appearing before any immigration officer at a Service office.

(b) *Investigation.* The Service may conduct investigations for violations on its own initiative and without having received a written complaint. When the Service receives a complaint from a third party, it shall investigate only those complaints which have a reasonable probability of validity. If it is determined after investigation that the person or entity has violated section 274A of the Act, the Service shall issue and serve upon the alleged violator a citation or a Notice of Intent to Fine. Service officers shall have reasonable access to examine any relevant evidence of any person or entity being investigated.

(c) *Citation and notice of intent to fine.* If after investigation the Service determines that a person or entity has violated section 274A of the Act for the first time during the citation period (June 1, 1987 through May 31, 1988) the Service shall issue a citation. If after investigation the Service determines that a person or entity has violated section 274A of the Act for the second time during the citation period or for the first time after May 31, 1988, the proceeding to assess administrative penalties under section 274A of the Act is commenced by the Service by issuing a Notice of Intent to Fine on Form I-762. Service of this Notice shall be accomplished pursuant to Part 103 of this chapter. The person or entity identified in the Notice of Intent to Fine shall be known as the respondent. The Notice of Intent to Fine may be issued by an officer defined in § 242.1 of this chapter with concurrence of the District Counsel or his or her designee.

(1) *Contents of the notice of intent to fine.* (i) The Notice of Intent to Fine will contain a concise statement of factual allegations informing the respondent of the act or conduct alleged to be in violation of law, a designation of the charge(s) against the respondent, the statutory provisions alleged to have been violated, and the penalty that will be imposed.

(ii) The Notice of Intent to Fine will provide the following advisals to the respondent:

(A) That the person or entity has the right to representation by counsel of his or her own choice at no expense to the government;

(B) That any statement given may be used against the person or entity;

(C) That the person or entity has the right to request a hearing before an Administrative Law Judge pursuant to 5 U.S.C. 554-557, and that such request must be made within 30 days from the service of the Notice of Intent to Fine;

(D) That the Service will issue a final order in 45 days if a written request for a hearing is not timely received and that there will be no appeal of the final order.

(d) *Answer to notice of intent to fine.*

(1) If a respondent contests the issuance of a Notice of Intent to Fine, he or she must, by mail, serve a written answer responding to each allegation listed in the Notice and request a hearing within thirty days from the issuance of the Notice.

(2) If the respondent does not file an answer within thirty days, the Service shall issue a final order to which there is no appeal.

**§ 274a.10 Penalties.**

(a) *Criminal penalties.* An employer or a recruiter or referrer for a fee who engages in a pattern and practice of violating section 274A(a)(1)(A) or (a)(2) of the Act, may be fined not more than \$3,000 for each unauthorized alien, imprisoned for not more than six months for the entire pattern or practice, or both, notwithstanding the provisions of any other Federal law relating to fine levels.

(b) *Civil penalties.* An employer or a recruiter or referrer for a fee may face civil penalties for a violation of section 274A of the Act. Civil penalties may be imposed by the Service or an Administrative Law Judge for violations under section 274A of the Act. In determining the level of the penalties that will be imposed, a finding of more than one violation in the course of a single proceeding or determination will be counted as a single violation. However, a single violation will include penalties for each unauthorized alien

who is determined to have been knowingly hired or recruited or referred for a fee.

(1) A respondent found by the Service (if the respondent fails to request a hearing) or an Administrative Law Judge (at a hearing) to have knowingly hired or to have knowingly recruited or referred for a fee unauthorized alien for employment in the United States or to have knowingly continued to employ an unauthorized alien, shall be subject to the following order:

(i) To cease and desist from such behavior;

(ii) To pay a civil fine according to the following schedule:

(A) First violation—not less than \$250 and not more than \$2,000 for each unauthorized alien; or

(B) Second violation—not less than \$2,000 and not more than \$5,000 for each unauthorized alien; or

(C) More than two violations—not less than \$3,000 and not more than \$10,000 for each unauthorized alien; and

(iii) To comply with the requirements of section 274a.2(b) of this part, and to take such other remedial action as is appropriate.

(2) A respondent determined by the Service (if a respondent fails to request a hearing) or by an Administrative Law Judge to have failed to comply with the employment verification requirements as set forth in § 274a.2(b) of this part, shall be subject to a civil penalty in an amount of not less than \$100 and not more than \$1,000 for each individual with respect to whom such violation occurred. In determining the amount of the penalty, consideration shall be given to:

(i) The size of the business of the employer being charged;

(ii) The good faith of the employer;

(iii) The seriousness of the violation;

(iv) Whether or not the individual was an unauthorized alien; and

(v) The history of previous violations of the employer.

(3) Where an order is issued with respect to a respondent composed of a distinct, physically separate subdivision which does its own hiring or its own recruiting or referring for a fee for employment (without reference to the practices of, or under the control of or common control with, another subdivision) the subdivision shall be considered a separate person or entity.

(c) *Enjoining pattern or practice violations.* If the Attorney General has reasonable cause to believe that a person or entity is engaged in a pattern or practice of employment, recruitment or referral in violation of section 274A(a)(1)(A) or (2) of the Act, the

Attorney General may bring civil action in the appropriate United States District Court requesting relief, including a permanent or temporary injunction, restraining order, or other order against the person or entity, as the Attorney General deems necessary.

**§274a.11 Special rule for legalization, special agricultural worker, and Cuban/Haitian entrant adjustment applicants.**

An individual who claims to be eligible, and who intends to apply or has applied, for benefits pursuant to section 245A or 210 of the Act or section 202 of the Immigration and Reform and Control Act of 1986, is authorized to work without presenting an employer or a recruiter or referrer for a fee with documentary evidence of work authorization. When an individual indicates to an employer or a recruiter or referrer for a fee that he or she claims to qualify for such benefits and that he or she intends to apply or has applied for such benefits, he or she shall attest to that fact by checking on the Form I-9, the third box of Part 1 (Employee Information and Verification) and noting "Special Rule" in the space after "Alien Number A\_\_\_\_\_" and "September 1, 1987" in the space after "expiration of employment authorization." The individual must also provide a document listed in § 274a.2(b)(1)(v)(B) of this part that establishes identity. The employer shall follow all of the employment verification procedures set forth in § 274a.2(b) of this part except that the employer or the recruiter or referrer for a fee shall note on the Form I-9 that the individual has stated his or her intention to seek such benefits by writing on the Form I-9 in Section 2—"Employer Review and Verification" under List C ("Documents that Establish Employment Eligibility") in the space after "Document Identification" the words "Special Rule" and in the space after "Expiration Date," "September 1, 1987". After September 1, 1987, such individuals, employers and recruiters and referrers for a fee will be required to fully comply with all provisions of § 274a.2(b) of this part. Employers, recruiters, and referrers, however, may update the Form I-9 if they follow the procedures set forth in § 274a.2(b)(2) of this part.

**Subpart B—Employment Authorization**

**§ 274a.12 Classes of aliens authorized to accept employment.**

(a) *Aliens authorized employment incident to status.* Pursuant to the statutory or regulatory reference cited, the following classes of aliens are authorized to be employed in the United

States without restrictions as to location or type of employment as a condition of their admission or subsequent change to one of the indicated classes, and specific employment authorization need not be requested:

(1) An alien who is a lawful permanent resident (with or without conditions pursuant to section 216 of the Act), as evidenced by Form I-151 or Form I-551 issued by the Service;

(2) An alien admitted to the United States as a lawful temporary resident pursuant to section 245A or 210 of the Act, as evidenced by an employment authorization document issued by the Service;

(3) An alien admitted to the United States as a refugee pursuant to section 207 of the Act for the period of time in that status, as evidenced by an employment authorization document issued by the Service;

(4) An alien paroled into the United States as a refugee for the period of time in that status, as evidenced by an employment authorization document issued by the Service;

(5) An alien granted asylum under section 208 of the Act for the period of time in that status, as evidenced by an employment authorization document issued by the Service;

(6) An alien admitted to the United States as a nonimmigrant fiancé or fiancée pursuant to section 101(a)(15)(K) of the Act, or an alien admitted as the child of such alien, for the period of admission of the United States, as evidenced by an employment authorization document issued by the Service;

(7) An alien admitted as a parent (N-8) or dependent child (N-9) of an alien granted permanent residence under section 101(a)(27)(I) of the Act, as evidenced by an employment authorization document issued by the Service;

(8) An alien admitted to the United States as a citizen of the Federated States of Micronesia (CFA/FSM) or of the Marshall Islands (CFA/MIS) pursuant to agreements between the United States and the former trust territories, as evidenced by an employment authorization document issued by the Service;

(9) An alien granted suspension of deportation under section 244(a) of the Act for the period of time in that status, as evidenced by an employment authorization document issued by the Service;

(10) An alien granted withholding of deportation under section 243(h) of the Act for the period of time in that status, as evidenced by an employment

authorization document issued by the Service; or

(11) An alien who has been granted extended voluntary departure by the Attorney General as a member of a nationality group pursuant to a request by the Secretary of State. Employment is authorized for the period of time in that status as evidenced by Form I-\_\_\_\_ issued by the Service.

(b) *Aliens authorized for employment with a specific employer incident to status.* The following classes of nonimmigrant aliens are authorized to be employed in the United States by the specific employer and subject to the restrictions described in the section(s) of this chapter indicated as a condition of their admission in, or subsequent change to, such classification. An alien in one of these classes is not issued an employment authorization document by the Service:

(1) A foreign government official (A-1 or A-2), pursuant to § 214.2(a) of this chapter. An alien in this status may be employed only by the foreign government entity;

(2) An employee of a foreign government official (A-3), pursuant to § 214.2(a) of this chapter. An alien in this status may be employed only by the foreign government official;

(3) A foreign government official in transit (C-2 or C-3), pursuant to § 214.2(c) of this chapter. An alien in this status may be employed only by the foreign government entity;

(4) A nonimmigrant crewman (D-1 or D-2) pursuant to § 214.2(d), and Parts 252 and 253, of this chapter. An alien in this status may be employed only in a crewman capacity on the vessel or aircraft of arrival, or on a vessel or aircraft of the same transportation company, and may not be employed in connection with domestic flights or movements of a vessel or aircraft;

(5) A nonimmigrant treaty trader (E-1) or treaty investor (E-2), pursuant to § 214.2(e) of this chapter. An alien in this status may be employed only by the treaty-qualifying company through which the alien attained the status. Employment authorization does not extend to the dependents of the principal treaty trader or treaty investor (also designated "E-1" or "E-2"), other than those specified in paragraph (c)(2) of this section;

(6) A nonimmigrant student (F-1) pursuant to § 214.2(f)(9) of this chapter. An alien in this status may be employed only in accordance with the following conditions:

(i) On campus for not more than twenty hours a week while school is in session; or

(ii) On campus full time when school is not in session if the student is eligible and intends to register for the next term or session. In addition, a nonimmigrant student (F-1) may engage in a work-study program as part of the regular curriculum available within the student's program of study in accordance with the conditions specified in § 214.2(f)(10) of this chapter;

(7) A representative of an international organization (G-1, G-2, G-3, or G-4), pursuant to § 214.2(g) of this chapter. An alien in this status may be employed only by the foreign government entity or the international organization;

(8) A personal employee of an official or representative of an international organization (G-5), pursuant to § 214.2(g) of this chapter. An alien in this status may be employed only by the official or representative of the international organization;

(9) A temporary worker or trainee (H-1, H-2A, H-2B, or H-3), pursuant to § 214.2(h) of this chapter. An alien in this status may be employed only by the petitioner through whom the status was obtained;

(10) An information media representative (I), pursuant to § 214.2(i) of this chapter. An alien in this status may be employed only for the sponsoring foreign news agency or bureau. Employment authorization does not extend to the dependents of an information media representative (also designated "I");

(11) An exchange visitor (J-1), pursuant to § 214.2(j) of this chapter. An alien in this status may be employed only by the exchange visitor program sponsor or appropriate designee and within the guidelines of the program approved by the United States Information Agency;

(12) An intra-company transferee (L-1), pursuant to § 214.2(l) of this chapter. An alien in this status may be employed only by the petitioner through whom the status was obtained;

(13) Officers and personnel of the armed services of nations of the North Atlantic Treaty Organization, and representatives, officials, and staff employees of NATO (NATO-1, NATO-2, NATO-3, NATO-4, NATO-5 and NATO-6), pursuant to § 214.2(o) of this chapter. An alien in this status may be employed only by NATO;

(14) An attendant, servant or personal employee (NATO-7) of an alien admitted as a NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, or NATO-6, pursuant to § 214.2(o) of this chapter. An alien admitted under this classification may be employed only by

the NATO alien through whom the status was obtained; or

(15) A nonimmigrant alien within the class of aliens described in paragraphs (b)(9), (11), and (12) of this section whose status has expired but who has filed a timely application for an extension of such status pursuant to § 214.2 of this chapter. These aliens are authorized to continue employment with the same employer for a period not to exceed 120 days beginning on the date of the expiration of the authorized period of stay. If the alien's application for extension of stay has not been adjudicated within this period, the alien may apply to the district director for employment authorization pursuant to paragraph (c)(15) of this section.

(c) *Aliens who must apply for employment authorization.* Any alien within a class of aliens described in this section must apply for work authorization. If authorized, such an alien may accept employment subject to any restrictions indicated in the regulations or cited on the employment authorization document:

(1) An alien spouse or unmarried dependent son or daughter of a foreign government official (A-1 or A-2) pursuant to § 214.2(a)(2) of this chapter, or the dependent of an employee of a foreign government official (A-3) pursuant to § 214.2(a)(3) of this chapter;

(2) An alien spouse or unmarried dependent son or daughter of an alien employee of the Coordination Council for North American Affairs (E-1) pursuant to § 214.2(e) of this chapter;

(3) A nonimmigrant (F-1) student who:

(i) Is seeking off-campus employment authorization due to economic necessity pursuant to § 214.2(f) of this Chapter;

(ii) Is seeking employment for purposes of practical training pursuant to § 214.2(f) of this chapter. The alien may be employed only in an occupation which is directly related to his or her course of studies; or

(iii) Has been offered employment under the sponsorship of an international organization within the meaning of the International Organization Immunities Act (59 Stat. 669), if such international organization provides written certification to the district director having jurisdiction over the intended place of employment that the proposed employment is within the scope of the organization's sponsorship;

(4) An alien spouse or unmarried dependent son or daughter of an officer or employee of an international organization (G-4) pursuant to § 214.2(g) of this chapter;

(5) An alien spouse or minor child of an exchange visitor (J-2) pursuant to § 214.2(j) of this chapter;

(6) A nonimmigrant (M-1) student seeking employment for practical training pursuant to § 214.2(m) of this chapter following completion of studies if such employment is directly related to the student's course of study;

(7) A dependent of an alien classified as NATO-1 through NATO-7 pursuant to § 214.2(n) of this chapter;

(8) Any alien who has filed a non-frivolous application for asylum pursuant to Part 208 of this chapter. Employment authorization shall be granted in increments not exceeding one year during the period the application is pending (including any period when an administrative appeal or judicial review is pending) and shall expire on a specified date;

(9) Any alien who has filed an application for adjustment of status to lawful permanent resident pursuant to Part 245 of this chapter. Employment authorization shall be granted in increments not exceeding one year during the period the application is pending (including any period when an administrative appeal or judicial review is pending) and shall expire on a specified date;

(10) Any alien who has filed an application for suspension of deportation pursuant to Part 244 of this chapter, if the alien establishes an economic need to work. Employment authorization shall be granted in increments not exceeding one year during the period the application is pending (including any period when an administrative appeal or judicial review is pending) and shall expire on a specified date;

(11) Any alien paroled into the United States temporarily for emergent reasons or reasons deemed strictly in the public interest pursuant to § 212.5 of this chapter;

(12) Any deportable alien granted voluntary departure, either prior to or after hearing, for reasons set forth in § 242.5(a)(2) (v), (vi), or (viii) of this chapter may be granted permission to be employed for that period of time prior to the date set for voluntary departure including any extension granted beyond such date. Factors which may be considered in adjudicating the employment application of an alien who has been granted voluntary departure are the following:

(i) The length of voluntary departure granted;

(ii) The existence of a dependent spouse and/or children in the United States who rely on the alien for support;

(iii) Whether there is a reasonable chance that legal status may ensue in the near future; and

(iv) Whether there is a reasonable basis for consideration of discretionary relief.

(13) Any alien against whom exclusion or deportation proceedings have been instituted, who does not have a final order of deportation or exclusion, and who is not detained may be granted temporary employment authorization if the district director determines that employment is appropriate. Factors which may be considered by the district director in adjudicating the employment application of such an alien are the following:

- (i) The existence of the economic necessity to be employed;
- (ii) The existence of a dependent spouse and/or children in the United States who rely on the alien for support;
- (iii) Whether there is a reasonable chance that legal status may ensue in the near future; and
- (iv) Whether there is a reasonable basis for consideration of discretionary relief;

(14) An alien who has been granted deferred action, an act of administrative convenience to the government which gives some cases lower priority, if the alien establishes an economic necessity for employment;

(15) A nonimmigrant alien within the class of aliens described in paragraphs (b)(9), (11), and (12) of this section whose application for extension of stay has not been adjudicated within the 120-day period as set forth in paragraph (b)(15) of this section.

(d) *Basic criteria to establish economic necessity.* Title 45—Public Welfare, Poverty Guidelines, 45 CFR 1060.2 should be used as the basic criteria to establish eligibility for employment authorization when the alien's economic necessity is identified as a factor. The alien shall submit an application for employment authorization listing his or her assets, income, and expenses as evidence of his or her economic need to work. Permission to work granted on the basis of the alien's application for employment authorization may be revoked under § 274a.14 of this chapter upon a showing that the information contained in the statement was not true and correct.

**§ 274a.13 Application for employment authorization.**

(a) *General.* An application (in the form of a written request) for employment authorization by an alien under § 274.12(c) of this chapter shall be filed with the district director having jurisdiction over the applicant's residence. Except for paragraph (c)(8) of this section, the approval of an application for employment authorization shall be within the

discretion of the district director. Where economic necessity is identified as a factor, the alien must provide information regarding his or her assets, income, and expenses on the application for employment authorization.

(b) *Approval of application.* If the application is granted, the alien shall be notified of the decision and issued employment authorization for a specific period of time. Such authorization shall be subject to any conditions noted on the employment authorization document.

(c) *Denial of application.* If the application is denied, the applicant shall be notified in writing of the decision and the reasons for the denial. There shall be no appeal from the denial of the application.

(d) *Interim employment authorization.* The district director shall adjudicate the application for employment authorization within 60 days from the date of receipt of the application by the Service or the date of receipt of a returned application by the Service. Failure to complete the adjudication within 60 days will result in the grant of interim employment authorization for a period not to exceed 120 days. Such authorization shall be subject to any conditions noted on the employment authorization document. However, if the district director adjudicates the application prior to the expiration date of the interim employment authorization and denies the individual's employment authorization application, the employment authorization granted under this section shall automatically terminate.

**§ 274a.14 Termination of employment authorization.**

(a) *Automatic termination of employment authorization.*

(1) Employment authorization granted under § 274a.12(c) of this chapter shall automatically terminate upon the occurrence of one of the following events:

- (i) The expiration date specified by the Service on the employment authorization document is reached;
- (ii) Exclusion or deportation proceedings are instituted (however, this shall not preclude the authorization of employment pursuant to § 274a.12(c) of this part where appropriate); or
- (iii) The alien is granted voluntary departure.

(2) Termination of employment authorization pursuant to this paragraph does not require the service of a notice of intent to revoke; employment authorization terminates upon the occurrence of any event enumerated in paragraph (a)(1) of this section.

However, automatic revocation under this section does not preclude reapplication for employment authorization under § 274.12(c) of this part.

(b) *Revocation of employment authorization—* (1) *Basis for revocation of employment authorization.*

Employment authorization granted under § 274a.12(c) of this chapter may be revoked by the district director:

(i) Prior to the expiration date, when it appears that any condition upon which it was granted has not been met or no longer exists, or for good cause shown, or

(ii) Upon a showing that the information contained in the application is not true and correct.

(2) *Notice of intent to revoke employment authorization.* When a district director determines that employment authorization should be revoked prior to the expiration date specified by the Service, he or she shall serve written notice of intent to revoke the employment authorization. The notice will cite the reasons indicating that revocation is warranted. The alien will be granted a period of fifteen days from the date of service of the notice within which to submit countervailing evidence. The decision by the district director shall be final and no appeal shall lie from the decision to revoke the authorization.

(c) *Automatic termination of temporary employment authorization granted prior to June 1, 1987.* (1) Temporary employment authorization granted prior to June 1, 1987, pursuant to 8 CFR 109.1(b), or its redesignation as § 274a.12(c) of this part, shall automatically terminate on the date specified by the Service on the document issued to the alien, or on June 1, 1988, whichever is earlier. Automatic termination of temporary employment authorization does not preclude a subsequent application for temporary employment authorization.

(2) A document issued by the Service prior to June 1, 1987, that authorizes temporary employment authorization for any period beyond June 1, 1988, is null and void pursuant to paragraph (c)(1) of this section, and must be surrendered to the Service on the date that the temporary employment authorization terminates or on June 1, 1988, whichever is earlier. The alien shall be issued a new employment authorization document at the time the document is surrendered to the Service if the alien is eligible for temporary employment authorization pursuant to § 274a.12(c) of this chapter.

(3) No notice of intent to revoke is necessary for the automatic termination of temporary employment authorization pursuant to this part.

Dated: April 28, 1987.

Alan C. Nelson,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 87-9896 Filed 4-30-87; 8:45 am]

BILLING CODE 4410-10-M

# Handbook for Employers

## Instructions for Completing Form I-9 (*Employment Eligibility Verification Form*)

### To American Employers:

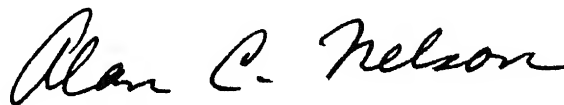
When the Congress passed and the President signed into law the Immigration Reform and Control Act of 1986, the result was the first major revision of America's immigration laws in decades. The new law seeks to preserve jobs for those who are legally entitled to them: American citizens and aliens who are authorized to work in our country.

The Immigration and Naturalization Service is responsible for implementing this new law. Public cooperation is crucial to the success of this national effort.

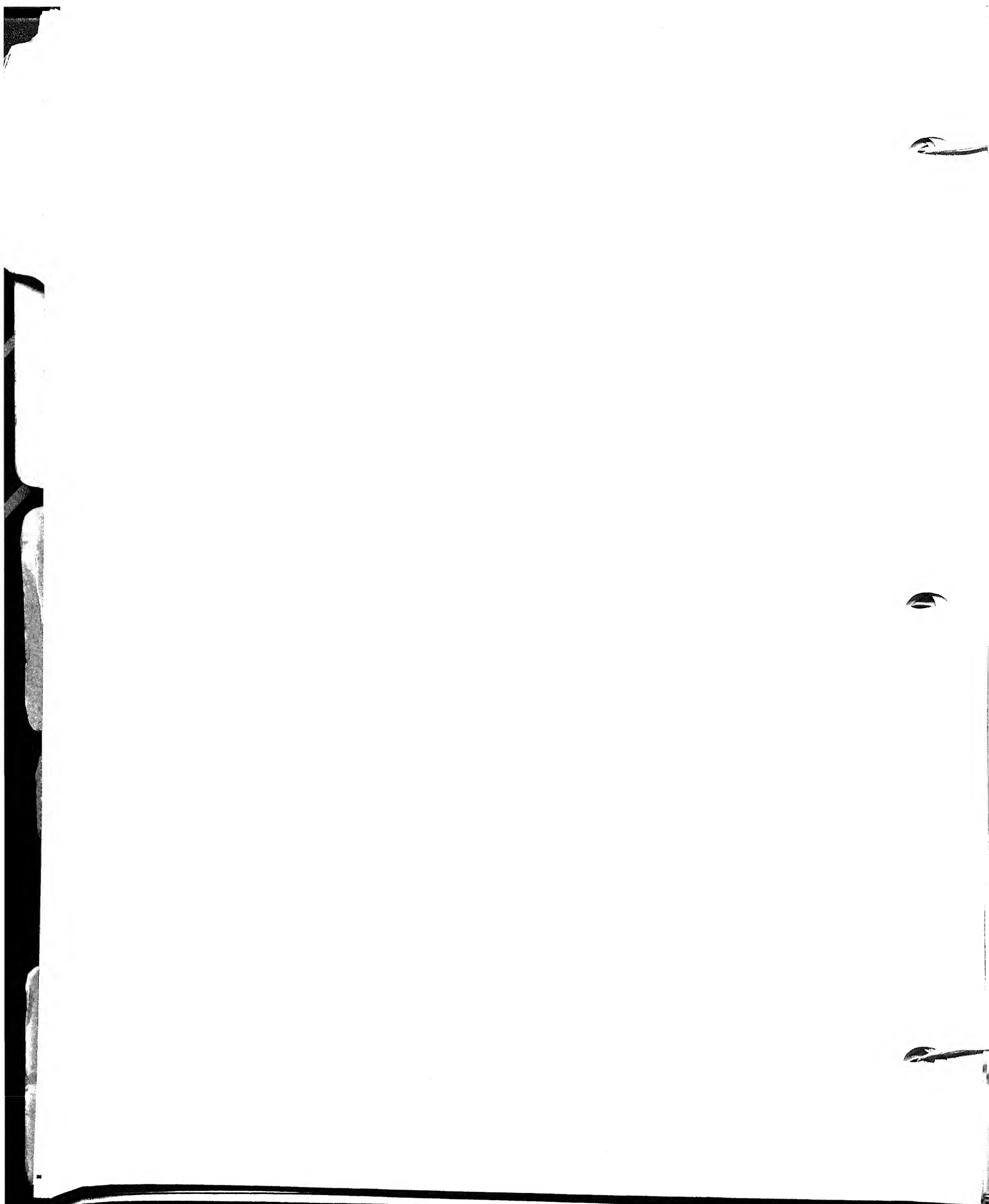
*Put briefly, the law says that you should hire only American citizens and aliens who are authorized to work in the United States.* You will need to verify employment eligibility of anyone hired after November 6, 1986, and complete and retain a one-page form (I-9) contained in this handbook.

We have worked to make the process as simple as possible. This handbook provides a step-by-step explanation of what you must do. We hope you will find it helpful.

All Americans stand to benefit from the successful implementation of the Immigration Reform and Control Act. We seek your cooperation.



Alan C. Nelson  
Commissioner  
U.S. Immigration and Naturalization Service



## Contents

This Handbook is divided into nine parts:

- **Part One**—why employers must verify employment eligibility. *See page 1.*
- **Part Two**—when you must complete Form I-9. *See page 2.*
- **Part Three**—step-by-step process of filling out a Form I-9. *See page 2.*
- **Part Four**—unlawful discrimination practices. *See page 5.*
- **Part Five**—information on prohibited practices and penalties. *See page 5.*
- **Part Six**—timetable for implementing the new immigration law. *See page 6.*
- **Part Seven**—information for recruiters and referrers for a fee. *See page 7.*
- **Part Eight**—questions and answers about the Form I-9. *See page 7.*
- **Part Nine**—documents that may be used to establish employment eligibility. *See page 10.*

This Handbook includes two copies of the Form I-9. At the back, you will also find a list of INS offices for you to contact if you need more information.

## Part One

### Why Employers Must Verify Employment Eligibility of New Employees

The Immigration Reform and Control Act of 1986 is the most comprehensive reform of our immigration laws since 1952. In recent years, our nation has been increasingly affected by illegal immigration. This law, passed by Congress through a bipartisan effort, preserves our tradition of legal immigration while closing the back door to illegal entry. By combining prohibitions against employing illegal entrants (or those aliens, such as tourists, who legally enter the United States but are not authorized to work while they are here) with increased border enforcement, the law represents a step forward in the effort to secure our nation's borders.

Employment is often the magnet that attracts persons to come to or stay in the United States illegally. The purpose of the new law is to remove the magnet by requiring employers to hire only citizens and aliens who are authorized to work here.

This new law was strongly supported by the American public. Employers will want to join the effort to protect our heritage of legal immigration and to preserve jobs for those who are legally entitled to them. This cooperation will make jobs available to American citizens and to aliens who are authorized to work in our country. It also can be a means to help people get off welfare and into jobs. Further, it is a good business practice for you to verify the identity of your workers. The law deserves your support.

The Form I-9 has been developed for verifying that persons are eligible to work in the United States. The following instructions will help you assess your responsibilities for completing the Form and understanding the law.

The law requires you as an employer to do five things:

1. Have your employees fill out their part of the Form I-9 when they start to work;
2. Check documents establishing employees' identity and eligibility to work;
3. Properly complete the Form I-9;
4. Retain the Form for at least three years (if you employ the person for more than three years, you must retain the Form until one year after the person leaves your employment); and
5. Present the Form for inspection to an INS or Department of Labor (DOL) officer upon request. You will be given at least three days advance notice.

## Part Two

### When You Must Complete Form I-9

**IF YOU EMPLOY PERSONS TO PERFORM LABOR OR SERVICES IN RETURN FOR WAGES OR OTHER PAY, YOU MUST COMPLETE FORM I-9 FOR:**

**Persons hired after May 31, 1987.** For these employees, you must complete a Form I-9 within three business days of the date of the hire. (If you employ the person for less than three days, you must complete the Form I-9 before the end of the employee's first working day.)

**Persons hired between November 7, 1986 and May 31, 1987.** For these employees, you must complete Form I-9 before September 1, 1987.

**NOTE:** If you employ people for domestic work in your private home on a regular (such as weekly) basis, these requirements also apply to you.

#### YOU DO NOT NEED TO COMPLETE FORM I-9 FOR:

- Persons hired before November 7, 1986.
- Persons hired after November 6, 1986, who left your employment before June 1, 1987.
- Persons you employ for domestic work in a private home on an intermittent or sporadic basis.
- Persons who provide labor to you who are employed by a contractor providing contract services (e.g., employee leasing).
- Persons who are independent contractors.

Persons who are self-employed do not need to complete Form I-9.

## Part Three

### How to Complete Form I-9

Form I-9 contains two sections. The **employee** completes the first section (Steps 1, 2, and 3). If a preparer or translator assists the individual, he or she completes Step 4. The second section (Steps 5 and 6) should be completed by the **employer**.

When completing the Form I-9, the employee will need to provide a document or documents that establish identity and employment eligibility. Some documents establish *both* identity and employment eligibility. These documents appear in *List A* on the bottom half of the Form. Other documents establish identity alone (*List B*) or employment eligibility alone (*List C*). If the person does not provide a document from List A, he or she must produce one from List B *and* one from List C. A complete list of acceptable documents appears in Part Nine.

The employer should review the document or documents provided by the person. Documents should appear to be genuine and to relate to the individual.

If employees cannot complete Section 1 by themselves or need the Form translated, someone may assist them. The preparer or translator should read the Form to the employee, help with Step 1 and Step 2 as needed, have the employee sign or mark the Form, and follow Step 4.

Until September 1, 1987, if an employee indicates that he or she intends to or has applied for legalization, Special Agricultural Worker (SAW), or Cuban/Haitian entrant status, the employee is covered by a "special rule" and the employer should follow the instructions on page 4.

If a minor (under age 16) cannot produce a List A document or one of the identity documents listed in Part Nine (List B), he or she is exempt from producing one if: (1) a parent or legal guardian completes Section 1 and writes in the space for the minor's signature the words, "minor under age 16;" (2) the parent or legal guardian completes the "Preparer/Translator Certification;" and (3) the employer writes in Section 2 the words, "minor under age 16" under List B in the space after the words "Document Identification #." If this procedure is followed, the minor must still produce a List C document showing employment eligibility.

## SECTION 1: TO BE COMPLETED BY THE EMPLOYEE

## STEP 1

Fill in the personal information.

## STEP 2

Check the box for work eligibility. Give other information where needed.

## STEP 3

Read, sign, and date.

## STEP 4

(Preparer/Translator only)  
Read, fill in information, and sign.

EMPLOYMENT ELIGIBILITY VERIFICATION (Form I-9)				
<b>1 EMPLOYEE INFORMATION AND VERIFICATION:</b> (To be completed and signed by employee.)				
Name (Print or Type) Last	First	Middle	Birth Name	
Smith	Mary	Ellen	Adams	
Address: Street Name and Number		City	State	ZIP Code
4602 Birch Ln		Danville, TN		37832
Date of Birth (Month/Day/Year)		Social Security Number		
6/26/53		408-08-4503		
I attest, under penalty of perjury, that I am (check a box):				
<input checked="" type="checkbox"/> 1. A citizen or national of the United States. <input type="checkbox"/> 2. An alien lawfully admitted for permanent residence (Alien Number A _____). <input type="checkbox"/> 3. An alien authorized by the Immigration and Naturalization Service to work in the United States (Alien Number A _____ or Admission Number _____, expiration of employment authorization, if any _____).				
I attest, under penalty of perjury, the documents that I have presented as evidence of identity and employment eligibility are genuine and relate to me. I am aware that federal law provides for imprisonment and/or fine for any false statements or use of false documents in connection with this certificate.				
Signature		Date (Month/Day/Year)		
Mary Ellen Smith		6/15/87		
<b>PREPARER/TRANSLATOR CERTIFICATION</b> (To be completed if prepared by person other than the employee). I attest, under penalty of perjury, that the above was prepared by me at the request of the named individual and is based on all information of which I have any knowledge.				
Signature		Name (Print or Type)		
Address (Street Name and Number)		City	State	Zip Code

## SECTION 2: TO BE COMPLETED BY THE EMPLOYER

## STEP 5

Examine the document and check the box that corresponds to the document. Fill in document number and expiration date.

## STEP 6

Read, fill in information, and sign.

<b>2 EMPLOYER REVIEW AND VERIFICATION:</b> (To be completed and signed by employer.)		
<b>Instructions:</b> Examine one document from List A and check the appropriate box, <u>OR</u> examine one document from List B <u>and</u> one from List C and check the appropriate boxes. Provide the <u>Document Identification Number</u> and <u>Expiration Date</u> for the document checked.		
<b>List A</b> Documents that Establish Identity and Employment Eligibility	<b>List B</b> Documents that Establish Identity	<b>List C</b> Documents that Establish Employment Eligibility
<input checked="" type="checkbox"/> 1. United States Passport <input type="checkbox"/> 2. Certificate of United States Citizenship <input type="checkbox"/> 3. Certificate of Naturalization <input type="checkbox"/> 4. Unexpired foreign passport with attached Employment Authorization <input type="checkbox"/> 5. Alien Registration Card with photograph Document Identification 14016534 Expiration Date (if any) Oct 21, 1991	<input type="checkbox"/> 1. A State-issued driver's license or a State-issued I.D. card with a photograph, or information, including name, sex, date of birth, height, weight, and color of eyes. (Specify State) _____ <input type="checkbox"/> 2. U.S. Military Card <input type="checkbox"/> 3. Other (Specify document and issuing authority) _____ Document Identification # _____ Expiration Date (if any) _____	<input type="checkbox"/> 1. Original Social Security Number Card (other than a card stating it is not valid for employment) <input type="checkbox"/> 2. A birth certificate issued by State, county, or municipal authority bearing a seal or other certification <input type="checkbox"/> 3. Unexpired INS Employment Authorization. Specify form # _____ Document Identification # _____ Expiration Date (if any) _____
<b>CERTIFICATION:</b> I attest, under penalty of perjury, that I have examined the documents presented by the above individual, that they appear to be genuine and to relate to the individual named, and that the individual, to the best of my knowledge, is eligible to work in the United States.		
Signature	Name (Print or Type)	Title
J. W. Walsh	JOSEPH W. WALSH	PRESIDENT
Employer Name	Address	Date
JOSEPH WALSH, INC.	807 N. MAIN ST., DANVILLE, TN	6/25/87
Form I-9 (05/07/87) OMB No. 1115-0136		U.S. Department of Justice Immigration and Naturalization Service

## HOW TO FILL OUT FORM I-9 IF THE SPECIAL RULE APPLIES

The new immigration law also provides that certain qualified aliens who have resided illegally in the United States can legalize their status. In order to legalize their status, aliens must apply under the legalization, Special Agricultural Worker (SAW), or Cuban/Haitian entrant programs.

Employers may hire applicants or prospective applicants for legalization, SAW, or Cuban/Haitian entrant status. *Until September 1, 1987*, these applicants are covered by a "special rule" that authorizes them to work without providing employment eligibility documents. "Special rule" employ-

ees will need to fill out the I-9 as shown below and provide one of the specified documents that establish identity (see List B in Part Nine). The employer should review the identity document. It should appear to be genuine and to relate to the individual.

After September 1, 1987, the "special rule" expires, and these applicants will need to show a work authorization document to be hired or to continue to work. Employers must update the Form I-9 by recording the work authorization document information on the Form.

## STEP 1

Fill in the personal information.

## STEP 2

Check box #3. Write "special rule" in the space for alien number and "September 1, 1987" for the expiration date.

## STEP 3

Read, sign, and date.

## STEP 4

(Preparer/Translator only)  
Read, fill in information, and sign.

## STEP 5

Under List B, check the box that corresponds to the identity document and fill in document number and expiration date. Under List C, write "special rule" in the space for document number, and "September 1, 1987" for the expiration date.

## STEP 6

Read, fill in information, and sign.

EMPLOYMENT ELIGIBILITY VERIFICATION (Form I-9)				
<b>1 EMPLOYEE INFORMATION AND VERIFICATION:</b> (To be completed and signed by employee.)				
Name: (Print or Type) Last	First	Middle	Birth Name	
JONES	DAVID	ALAN		
Address: Street Name and Number		City	State	ZIP Code
407 ELM ST.		HARRISON	RHODE ISLAND	02912
Date of Birth (Month/Day/Year)		Social Security Number		
NOVEMBER 19, 1955				
I attest, under penalty of perjury, that I am (check a box):				
<input type="checkbox"/> 1. A citizen or national of the United States. <input type="checkbox"/> 2. An alien lawfully admitted for permanent residence (Alien Number A _____). <input checked="" type="checkbox"/> 3. An alien authorized by the Immigration and Naturalization Service to work in the United States (Alien Number A <u>SPECIAL RULE</u> or Admission Number _____, expiration of employment authorization, if any <u>SEPT 1, 1987</u> ).				
I attest, under penalty of perjury, the documents that I have presented as evidence of identity and employment eligibility are genuine and relate to me. I am aware that Federal law provides for imprisonment and/or fine for any false statements or use of false documents in connection with this certificate.				
Signature		Date (Month/Day/Year)		
David A. Jones		7/14/87		
PREPARER/TRANSLATOR CERTIFICATION (To be completed if prepared by person other than the employee). I attest, under penalty of perjury, that the above was prepared by me at the request of the named individual and is based on all information of which I have any knowledge.				
Signature		Name (Print or Type)		
Address (Street Name and Number)		City	State	Zip Code
<b>2 EMPLOYER REVIEW AND VERIFICATION:</b> (To be completed and signed by employer.)				
Instructions: Examine one document from List A and check the appropriate box, <u>OR</u> examine one document from List B <u>and</u> one from List C and check the appropriate boxes. Provide the Document Identification Number and Expiration Date for the document checked.				
List A Documents that Establish Identity and Employment Eligibility		List B Documents that Establish Identity	List C Documents that Establish Employment Eligibility	
<input type="checkbox"/> 1. United States Passport <input type="checkbox"/> 2. Certificate of United States Citizenship <input type="checkbox"/> 3. Certificate of Naturalization <input type="checkbox"/> 4. Unexpired foreign passport with attached Employment Authorization <input type="checkbox"/> 5. Alien Registration Card with photograph		<input checked="" type="checkbox"/> 1. A State-issued driver's license or a State-issued I.D. card with a photograph, or information, including name, sex, date of birth, height, weight, and color of eyes. (Specify State) <u>Rhode Island</u> <input type="checkbox"/> 2. U.S. Military Card <input type="checkbox"/> 3. Other (Specify document and issuing authority) _____	<input type="checkbox"/> 1. Original Social Security Number Card (other than a card stating it is not valid for employment) <input type="checkbox"/> 2. A birth certificate issued by State, county, or municipal authority bearing a seal or other certification <input type="checkbox"/> 3. Unexpired INS Employment Authorization Specify form # _____	
Document Identification # _____		Document Identification # <u>323-750-1031</u>	Document Identification # <u>Special Rule</u>	
Expiration Date (if any) _____		Expiration Date (if any) <u>February 26, 1989</u>	Expiration Date (if any) <u>September 1, 1987</u>	
CERTIFICATION: I attest, under penalty of perjury, that I have examined the documents presented by the above individual, that they appear to be genuine and to relate to the individual named, and that the individual, to the best of my knowledge, is eligible to work in the United States.				
Signature		Name (Print or Type)	Title	
Barbara Evans		Barbara Evans	Personnel Officer	
Employer Name		Address	Date	
Apex Corporation		8204 Oak St, Harrison, RI 02912	7/14/87	
Form I-9 (05/07/87)		U.S. Department of Justice		
OMB No. 1115-0136		Immigration and Naturalization Service		

## Part Four

### Unlawful Discrimination

The new immigration law also prohibits discrimination. Under this law, if you have four or more employees, you may not discriminate against any individual (other than an unauthorized alien) in hiring, discharging, or recruiting or referring for a fee because of that individual's national origin or, in the case of a citizen or intending citizen, because of his or her citizenship status.

Title VII of the Civil Rights Act of 1964 and the remedies against discrimination it provides also remain in effect. Title VII prohibits discrimination against any individual on the basis of national origin in hiring, discharge, recruitment, assignment, compensation, and other terms and conditions of employment with respect to employers subject to its coverage. Claims of national origin discrimination against employers with fifteen or more employees should be filed with the Equal Employment Opportunity Commission.

Under the new immigration law, charges of national origin discrimination against employers with four through fourteen employees and charges of citizenship discrimination against employers with four or more employees should be filed with the Office of Special Counsel in the Department of Justice. Discrimination charges may be filed either by persons who believe they were discriminated against in employment on the basis of national origin or citizenship status (or by a person on their behalf) or by INS officers who have reason to believe that discrimination has occurred. Discrimination charges must be filed within 180 days of the discriminatory act. The Office of the Special Counsel will notify the employer by certified mail within ten days upon receipt of a charge of discrimination. After investigating the charge, the Special Counsel may file a complaint with an administrative law judge. If the Special Counsel does not file a complaint within 120 days of receiving the charge, the person making the charge (other than an INS officer) may initiate filing a complaint with an administrative law judge. The administrative law judge will conduct a hearing and issue a decision.

Employers found to have engaged in discriminatory practices under the new immigration law will be ordered to stop the prohibited practice. They may also be ordered to hire, with or without back pay, individuals directly injured by the discrimination; pay a fine of up to \$1,000 for each individual discriminated against (up to \$2,000 for each such individual in cases of employers previously fined); and keep certain records regarding the hiring of applicants and employees. If a court decides that the losing party's claim has no reasonable basis in fact or law, the court may award attorneys' fees to prevailing parties other than the United States.

For more information concerning the antidiscrimination section of the new immigration law, write the Office of the Special Counsel for Immigration-Related Unfair Employment Practices, P.O. Box 65490, Washington, D.C. 20035-5490 or call (202) 653-8121.

For more information on Title VII and policies and procedures of the Equal Employment Opportunity Commission, call 1-800-USA-EEOC.

## Part Five

### Penalties for Prohibited Practices

#### 1. Civil Penalties

If an investigation reveals that an employer has violated the new immigration law with respect to employees hired after November 6, 1986, INS may take action. During the first year of implementation (June 1, 1987–May 31, 1988) INS will continue to assist employers in complying with the law. In addition, INS will only issue a citation for first violations. Further violations during this period may result in the penalties described below. When INS intends to impose those penalties, the Service first issues a Notice of Intent to Fine. Employers who receive a Notice may request a hearing before an administrative law judge. If a hearing is not requested within 30 days, the penalty will be imposed. After May 31, 1988, INS will no longer issue warning citations, and first violations may result in penalties.

- *Hiring or continuing to employ unauthorized employees.* Employers determined to have knowingly hired unauthorized employees (or to be continuing to employ persons knowing that they are or have become unauthorized) may be fined as follows:
  - First Violation.* Not less than \$250 and not more than \$2,000 for each unauthorized employee.
  - Second Violation.* Not less than \$2,000 and not more than \$5,000 for each unauthorized employee.
  - Subsequent Violations.* Not less than \$3,000 and not more than \$10,000 for each unauthorized employee.
- *Failing to comply with record-keeping requirements.* Employers who fail to properly complete, retain, and present for inspection the Form I-9 as required by law may face civil fines of not less than \$100 and not more than \$1000 for each employee for whom the Form was not completed, retained, or presented. In determining penalties, consideration shall be given to the size of the business, good faith efforts to comply, the seriousness of the violation, and whether the violation involved unauthorized employees.
- *Requiring indemnification.* Employers found to have required a bond or indemnity from an individual against liability under the new law may be fined \$1000 and ordered to make restitution, either to the person who was required to pay the indemnity, or, if that person cannot be located, to the United States Treasury.
- *Recruiting unauthorized seasonal agricultural workers outside the United States.* Employers who knowingly recruit unauthorized workers outside the United States to perform seasonal agricultural labor may face the same penalties as for hiring unauthorized workers, unless the workers recruited have been granted Special Agricultural Worker (SAW) status.

## 2. Criminal Penalties.

- *Engaging in a pattern or practice of knowingly hiring or continuing to employ unauthorized employees.* Employers convicted for having engaged in a pattern or practice of knowingly hiring unauthorized aliens after November 6, 1986, may face fines of up to \$3000 per employee and/or six months imprisonment. The same penalties apply to engaging in a pattern or practice of recruiting unauthorized seasonal agricultural workers outside the United States. Criminal sanctions will be reserved for serious or repeated violations.
- *Engaging in fraud or false statements, or otherwise misusing visas, immigration permits, and identity documents.* Persons who use fraudulent identification or employment eligibility documents or documents that were lawfully issued to another, or who make a false statement or attestation, for purposes of satisfying the employment eligibility requirements may be imprisoned for up to five years or fined or both.

## Part Six

### Timetable for Employer Verification Requirements

#### December 1, 1986 through May 31, 1987

*Public Education Period.* This is an initial period established by law for the publication of regulations and dissemination of forms and information. During this period, citations are not issued and fines are not levied.

#### June 1, 1987 through May 31, 1988

*Citation Period.* This is a one-year period for public education, voluntary compliance and initial enforcement. INS will work with employer associations, labor unions, and others to provide assistance, develop voluntary cooperation, and encourage efforts to hire legal employees. Penalties are not imposed for first-offense violations during this time. Instead, a warning citation is issued which explains the nature of the violation. For subsequent or repeated violations, civil or in some cases criminal penalties can be imposed.

#### June 1, 1987 through September 1, 1987

*Special Rule Period.* Employers may hire or continue to employ employees who attest on the Form I-9 that they have applied or intend to apply for legalization, Special Agricultural Worker, or Cuban/Haitian status even if the workers have not yet received work authorization documents from the INS.

#### June 1, 1988

*Effective Date for Full Enforcement.* As of this date, citations will no longer be issued for first violations. Employers who violate the law may face civil or criminal penalties.

#### June 1, 1987 through November 30, 1988

*Deferral Period for Employers of Seasonal Agricultural Workers.* Penalties will not apply to employers of seasonal agricultural workers during this period. This deferral does not apply to the prohibition against recruitment of unauthorized employees who are outside the United States. As of December 1, 1988, INS will begin full enforcement of the law with respect to these agricultural employers.

## Part Seven

### Instructions for Recruiters and Referrers for a Fee

The provisions of the new law that apply to employers also apply to those who **recruit** persons and refer them to potential employers in return for a fee and those who **refer** or provide documents or information about persons to employers in return for a fee. The provisions do not apply to persons who recruit for their own company or business. In addition, union hiring halls that refer union members or non-union individuals who pay membership dues are not considered to be recruiters or referrers for a fee.

Recruiters and referrers for a fee are **not** required to verify the status of persons referred between November 6, 1986, and May 31, 1987. **Starting June 1, 1987, they should complete Form I-9 when a person they refer to an employer is hired by that employer.** The Form should be completed within three business days of the hire.

Recruiters and referrers for a fee may also refer individuals covered by the "special rule" and should follow the procedures for completing the Form I-9 on page 4.

Recruiters and referrers may designate agents to complete the verification procedures on their behalf, such as national associations, or employers. If the employer who hires the referred individual is designated as the agent, the employer needs only to provide the recruiter or referrer with a photocopy of the Form I-9. Recruiters or referrers who designate someone to complete the verification procedures on their behalf are still responsible for compliance with the law and may be found liable for violations of the law.

Recruiters and referrers must **retain** the Form I-9 for three years after the date the referred individual was hired by the employer. They must also present Forms for inspection to an INS or DOL officer after three days advance notice.

The penalties described in Part Five apply to recruiting and referring unauthorized employees for a fee which occurs on or after June 1, 1987.

## Part Eight

### Some Questions You May Have About the Form I-9

**Q. Do United States citizens need to prove they are eligible to work?**

**A.** Yes. While United States citizens are automatically eligible for employment, they too must provide the required documents and complete the Form I-9.

**Q. Do I need to complete an I-9 for everyone who applies for a job with my company?**

**A.** No. You need to complete I-9's only for people you actually hire. For purposes of the new law, a person is "hired" when he or she begins to work for you.

**Q. If someone accepts a job with my company but will not start work for a month, can I complete the I-9 when the employee accepts the job?**

**A.** Yes. While the law requires you to complete the I-9 when the person actually begins working, you may complete the Form when he or she accepts the job.

**Q. Do I need to fill out an I-9 for independent contractors or their employees?**

**A.** No. For example, if you contract with another company to provide temporary secretarial services, you do not have to complete I-9's for that company's employees. The other company is responsible for completing the I-9's for its own employees. However, you must not knowingly use contract labor to circumvent the law against hiring unauthorized workers.

**Q. Do I need to complete an I-9 for people I hired after November 6, 1986, if they left the job before June 1, 1987?**

**A.** No.

**Q. Does the new law apply to my current employees if I hired them before it was passed?**

**A.** No. You are not required to verify status or complete I-9's for current employees hired before November 7, 1986. However, if you choose to complete I-9's for these employees, you should do so for all your current employees hired before November 7, 1986.

**Q. What if a current employee was hired before November 7, 1986, but has recently taken an approved leave of absence?**

- A. You do not need to complete an I-9 for that employee if he or she was temporarily absent from work for approved paid or unpaid leave, strike, or temporary layoff, or was transferred to another location of your business. However, if you rehire an employee who quit or was terminated, you should complete the employment verification process as you would for others hired after November 6, 1986. You must also verify employment eligibility and complete an I-9 if an employee leaves or is removed from the United States because of an order by a judge or INS.

Those conditions also apply to employees hired after November 6, 1986. Once you have completed an I-9 for those employees, you will not need to fill out a new Form if they have a temporary absence for approved leave, strike, layoff, or transfer.

**Q. Will I be subject to employer sanctions penalties if a current employee I hired before November 7, 1986, is an illegal alien?**

- A. No. You will not be subject to employer sanctions penalties for merely retaining in your workforce an illegal alien hired before November 7, 1986. The fact that an illegal alien was on your payroll before November 7, 1986, does *not* give him or her any right to remain in the United States. Unless the alien is legalized or otherwise obtains permission from INS to remain in the United States, he or she is subject to apprehension and removal.

**Q. What should I do if illegal alien employees ask me to help them in legalizing their status?**

- A. You can assist past and present employees who may qualify by providing documentation of employment history. Employment documentation furnished by employers and presented by legalization applicants will be used only to determine the applicant's eligibility for legal status. The government will not use the documents against the employer except in cases of fraud by the employer.

If aliens do not know how to apply for legal status, they may be able to get help from various organizations, such as churches, community groups, or business associations, which have been designated by INS to advise aliens and help them prepare applications.

You can also advise them that the Internal Revenue Service (IRS) may be able to provide them with documentation to verify residence. To obtain this documentation, employees should contact IRS in person or by correspondence to the service center where they filed their tax return(s). A letter to IRS should include name, address of filing, social security number (both spouses' numbers if a joint return was filed), tax year or years required and copies of any correspondence received from IRS relating to the requested years. IRS will then issue them a Form 6166 (Certification of Filing a Tax Return) if the tax information is verifiable.

**Q. May I specify which documents I will accept for verification?**

- A. No. You must accept any document or combination of documents listed on the I-9 or in Part Nine of this Handbook that appear to be genuine.

**Q. What should I do if the person I hire is unable to provide the required documents within three days?**

- A. If an employee is unable to provide the required document or documents within three days he or she must at least produce a receipt showing that he or she has applied for the document. The employee must produce the document itself within 21 days of the hire.

**Q. What is my responsibility concerning the authenticity of documents?**

- A. You should examine the documents and if they appear to be genuine on their face and to relate to the person, you should accept them. If on their face the documents do not appear to be genuine or to relate to the person, you should not accept them. In addition, if the work authorization documents carry restrictions, you should abide by them.

You should also be aware that any social security number starting with a "9" is an invalid number. Employees who are using such numbers should be instructed to get a proper social security number using Form SS-5, available from the Social Security Administration.

**Q. What identity documents are acceptable for minors?**

- A. If the minor does not have any of the identity documents listed in Part Nine, he or she does not have to produce an identity document if a parent or legal guardian completes the appropriate sections of the Form for the minor.

**Q. When do I fill out the I-9 if I hire someone for less than three days?**

- A. You do need to complete an I-9 before the end of the employee's first working day. However, if the person is providing intermittent domestic service in your home, you do not need to complete an I-9.

**Q. What if the person I hire after November 6, 1986, is an illegal alien who has applied or intends to apply for legalization?**

- A. There is a "special rule" for these applicants. Up until September 1, 1987, you should fill out the I-9 as illustrated on page 4.

After September 1, 1987 even these aliens must provide work authorization documents and you should update the I-9 to reflect the authorization.

**Q. What if I rehire someone who previously filled out an I-9?**

- A. You do not need to complete a new I-9 if you rehire the person within three years of the initial hire, and the information on the Form indicates that the person is still authorized to work.

## EMPLOYMENT ELIGIBILITY VERIFICATION (Form I-9)

### 1 EMPLOYEE INFORMATION AND VERIFICATION: (To be completed and signed by employee.)

Name: (Print or Type) Last	First	Middle	Birth Name
Address: Street Name and Number	City	State	ZIP Code
Date of Birth (Month/Day/Year)	Social Security Number		

I attest, under penalty of perjury, that I am (check a box):

- ☐ 1. A citizen or national of the United States.
- ☐ 2. An alien lawfully admitted for permanent residence (Alien Number A \_\_\_\_\_).
- ☐ 3. An alien authorized by the Immigration and Naturalization Service to work in the United States (Alien Number A \_\_\_\_\_, or Admission Number \_\_\_\_\_, expiration of employment authorization, if any \_\_\_\_\_).

I attest, under penalty of perjury, the documents that I have presented as evidence of identity and employment eligibility are genuine and relate to me. I am aware that federal law provides for imprisonment and/or fine for any false statements or use of false documents in connection with this certificate.

Signature	Date (Month/Day/Year)
-----------	-----------------------

PREPARER/TRANSLATOR CERTIFICATION (To be completed if prepared by person other than the employee). I attest, under penalty of perjury, that the above was prepared by me at the request of the named individual and is based on all information of which I have any knowledge.

Signature	Name (Print or Type)
Address (Street Name and Number)	City State Zip Code

### 2 EMPLOYER REVIEW AND VERIFICATION: (To be completed and signed by employer.)

#### Instructions:

Examine one document from List A and check the appropriate box, **OR** examine one document from List B **and** one from List C and check the appropriate boxes. Provide the **Document Identification Number** and **Expiration Date** for the document checked.

List A Documents that Establish Identity and Employment Eligibility	List B Documents that Establish Identity	and	List C Documents that Establish Employment Eligibility
<input type="checkbox"/> 1. United States Passport	<input type="checkbox"/> 1. A State-issued driver's license or a State-issued I.D. card with a photograph, or information, including name, sex, date of birth, height, weight, and color of eyes. (Specify State) _____		<input type="checkbox"/> 1. Original Social Security Number Card (other than a card stating it is not valid for employment)
<input type="checkbox"/> 2. Certificate of United States Citizenship	<input type="checkbox"/> 2. U.S. Military Card		<input type="checkbox"/> 2. A birth certificate issued by State, county, or municipal authority bearing a seal or other certification
<input type="checkbox"/> 3. Certificate of Naturalization	<input type="checkbox"/> 3. Other (Specify document and issuing authority) _____		<input type="checkbox"/> 3. Unexpired INS Employment Authorization Specify form _____
<input type="checkbox"/> 4. Unexpired foreign passport with attached Employment Authorization			# _____
<input type="checkbox"/> 5. Alien Registration Card with photograph			
<b>Document Identification</b>	<b>Document Identification</b>		<b>Document Identification</b>
# _____	# _____		# _____
<b>Expiration Date (if any)</b>	<b>Expiration Date (if any)</b>		<b>Expiration Date (if any)</b>
_____	_____		_____

**CERTIFICATION:** I attest, under penalty of perjury, that I have examined the documents presented by the above individual, that they appear to be genuine and relate to the individual named, and that the individual, to the best of my knowledge, is eligible to work in the United States.

Signature	Name (Print or Type)	Title
Employer Name	Address	Date

## Employment Eligibility Verification

**NOTICE:** Authority for collecting the information on this form is in Title 8, United States Code, Section 1324A, which requires employers to verify employment eligibility of individuals on a form approved by the Attorney General. This form will be used to verify the individual's eligibility for employment in the United States. Failure to present this form for inspection to officers of the Immigration and Naturalization Service or Department of Labor within the time period specified by regulation, or improper completion or retention of this form, may be a violation of the above law and may result in a civil money penalty.

### Section 1. Instructions to Employee/Preparer for completing this form

#### *Instructions for the employee.*

All employees, upon being hired, must complete Section 1 of this form. Any person hired after November 6, 1986 must complete this form. (For the purpose of completion of this form the term "hired" applies to those employed, recruited or referred for a fee.)

All employees must print or type their complete name, address, date of birth, and Social Security Number. The block which correctly indicates the employee's immigration status must be checked. If the second block is checked, the employee's Alien Registration Number must be provided. If the third block is checked, the employee's Alien Registration Number *or* Admission Number must be provided, as well as the date of expiration of that status, if it expires.

All employees whose present names differ from birth names, because of marriage or other reasons, must print or type their birth names in the appropriate space of Section 1. Also, employees whose names change after employment verification should report these changes to their employer.

All employees must sign and date the form.

#### *Instructions for the preparer of the form, if not the employee.*

If a person assists the employee with completing this form, the preparer must certify the form by signing it and printing or typing his or her complete name and address.

### Section 2. Instructions to Employer for completing this form

(For the purpose of completion of this form, the term "employer" applies to employers and those who recruit or refer for a fee.)

Employers must complete this section by examining evidence of identity and employment eligibility, and:

- checking the appropriate box in List A *or* boxes in both Lists B and C;
- recording the document identification number and expiration date (if any);
- recording the type of form if not specifically identified in the list;
- signing the certification section.

**NOTE:** Employers are responsible for reverifying employment eligibility of employees whose employment eligibility documents carry an expiration date.

Copies of documentation presented by an individual for the purpose of establishing identity and employment eligibility may be copied and retained for the purpose of complying with the requirements of this form and no other purpose. Any copies of documentation made for this purpose should be maintained with this form.

Name changes of employees which occur after preparation of this form should be recorded on the form by lining through the old name, printing the new name and the reason (such as marriage), and dating and initialing the changes. Employers should not attempt to delete or erase the old name in any fashion.

#### **RETENTION OF RECORDS.**

The completed form must be retained by the employer for:

- three years after the date of hiring; or
- one year after the date the employment is terminated, whichever is later.

Employers may photocopy or reprint this form as necessary.

EMPLOYMENT ELIGIBILITY VERIFICATION (Form I-9)

1 EMPLOYEE INFORMATION AND VERIFICATION: (To be completed and signed by employee.)

Name: (Print or Type) Last	First	Middle	Birth Name
Address: Street Name and Number	City	State	ZIP Code
Date of Birth (Month/Day/Year)	Social Security Number		

I attest, under penalty of perjury, that I am (check a box):

- ☐ 1. A citizen or national of the United States.
- ☐ 2. An alien lawfully admitted for permanent residence (Alien Number A \_\_\_\_\_).
- ☐ 3. An alien authorized by the Immigration and Naturalization Service to work in the United States (Alien Number A \_\_\_\_\_, or Admission Number \_\_\_\_\_, expiration of employment authorization, if any \_\_\_\_\_).

I attest, under penalty of perjury, the documents that I have presented as evidence of identity and employment eligibility are genuine and relate to me. I am aware that federal law provides for imprisonment and/or fine for any false statements or use of false documents in connection with this certificate.

Signature	Date (Month/Day/Year)
-----------	-----------------------

PREPARER/TRANSLATOR CERTIFICATION (To be completed if prepared by person other than the employee). I attest, under penalty of perjury, that the above was prepared by me at the request of the named individual and is based on all information of which I have any knowledge.

Signature	Name (Print or Type)
Address (Street Name and Number)	City State Zip Code

2 EMPLOYER REVIEW AND VERIFICATION: (To be completed and signed by employer.)

Instructions:

Examine one document from List A and check the appropriate box, OR examine one document from List B and one from List C and check the appropriate boxes. Provide the **Document Identification Number** and **Expiration Date** for the document checked.

List A Documents that Establish Identity and Employment Eligibility	List B Documents that Establish Identity	and	List C Documents that Establish Employment Eligibility
<input type="checkbox"/> 1. United States Passport	<input type="checkbox"/> 1. A State-issued driver's license or a State-issued I.D. card with a photograph, or information, including name, sex, date of birth, height, weight, and color of eyes. (Specify State) _____		<input type="checkbox"/> 1. Original Social Security Number Card (other than a card stating it is not valid for employment)
<input type="checkbox"/> 2. Certificate of United States Citizenship	<input type="checkbox"/> 2. U.S. Military Card		<input type="checkbox"/> 2. A birth certificate issued by State, county, or municipal authority bearing a seal or other certification
<input type="checkbox"/> 3. Certificate of Naturalization	<input type="checkbox"/> 3. Other (Specify document and issuing authority) _____		<input type="checkbox"/> 3. Unexpired INS Employment Authorization Specify form # _____
<input type="checkbox"/> 4. Unexpired foreign passport with attached Employment Authorization			
<input type="checkbox"/> 5. Alien Registration Card with photograph			
<b>Document Identification</b> # _____	<b>Document Identification</b> # _____		<b>Document Identification</b> # _____
<b>Expiration Date (if any)</b> _____	<b>Expiration Date (if any)</b> _____		<b>Expiration Date (if any)</b> _____

CERTIFICATION: I attest, under penalty of perjury, that I have examined the documents presented by the above individual, that they appear to be genuine and to relate to the individual named, and that the individual, to the best of my knowledge, is eligible to work in the United States.

Signature	Name (Print or Type)	Title
Employer Name	Address	Date

## Employment Eligibility Verification

**NOTICE:** Authority for collecting the information on this form is in Title 8, United States Code, Section 1324A, which requires employers to verify employment eligibility of individuals on a form approved by the Attorney General. This form will be used to verify the individual's eligibility for employment in the United States. Failure to present this form for inspection to officers of the Immigration and Naturalization Service or Department of Labor within the time period specified by regulation, or improper completion or retention of this form, may be a violation of the above law and may result in a civil money penalty.

### Section 1. Instructions to Employee/Preparer for completing this form

#### *Instructions for the employee.*

All employees, upon being hired, must complete Section 1 of this form. Any person hired after November 6, 1986 must complete this form. (For the purpose of completion of this form the term "hired" applies to those employed, recruited or referred for a fee.)

All employees must print or type their complete name, address, date of birth, and Social Security Number. The block which correctly indicates the employee's immigration status must be checked. If the second block is checked, the employee's Alien Registration Number must be provided. If the third block is checked, the employee's Alien Registration Number *or* Admission Number must be provided, as well as the date of expiration of that status, if it expires.

All employees whose present names differ from birth names, because of marriage or other reasons, must print or type their birth names in the appropriate space of Section 1. Also, employees whose names change after employment verification should report these changes to their employer.

All employees must sign and date the form.

#### *Instructions for the preparer of the form, if not the employee.*

If a person assists the employee with completing this form, the preparer must certify the form by signing it and printing or typing his or her complete name and address.

### Section 2. Instructions to Employer for completing this form

(For the purpose of completion of this form, the term "employer" applies to employers and those who recruit or refer for a fee.)

Employers must complete this section by examining evidence of identity and employment eligibility, and:

- checking the appropriate box in List A *or* boxes in both Lists B and C;
- recording the document identification number and expiration date (if any);
- recording the type of form if not specifically identified in the list;
- signing the certification section.

**NOTE:** Employers are responsible for reverifying employment eligibility of employees whose employment eligibility documents carry an expiration date.

Copies of documentation presented by an individual for the purpose of establishing identity and employment eligibility may be copied and retained for the purpose of complying with the requirements of this form and no other purpose. Any copies of documentation made for this purpose should be maintained with this form.

Name changes of employees which occur after preparation of this form should be recorded on the form by lining through the old name, printing the new name and the reason (such as marriage), and dating and initialing the changes. Employers should not attempt to delete or erase the old name in any fashion.

#### **RETENTION OF RECORDS.**

The completed form must be retained by the employer for:

- three years after the date of hiring; or
- one year after the date the employment is terminated, whichever is later.

Employers may photocopy or reprint this form as necessary.

**Q. Do I need to complete a new I-9 when one of my employees is promoted within my company or transfers from one of my company's offices to another at a different location?**

A. No. You do not need to complete a new I-9 if the employee is promoted or transferred within your company.

**Q. What do I do when an employee's work authorization expires?**

A. You will need to update the I-9 if you want to continue employing the person. At that time, the employee must present a document that either shows an extension of employment eligibility or that is a new grant of work authorization. If the employee cannot produce such a document, that person is no longer eligible to work. Continuing to employ that person is a violation of the law, even if the employee was previously authorized to work.

**Q. As an employer, do I have to fill out all the I-9's myself?**

A. No, you may designate someone to fill out the Form for you such as a personnel officer, foreman, agent, or anyone else acting in your interest. However, you are still responsible for compliance with the new law.

**Q. Can I contract with someone to complete I-9's for my business?**

A. Yes. You can contract with another person or business to verify employees' work eligibility and complete the I-9's for you. If you do so, of course, you are still responsible for the contractor's actions and could be liable for any violations of the new law.

**Q. As an employer, can I negotiate my responsibility to complete the I-9's in a collective bargaining agreement with a union?**

A. Yes. However, you are still responsible for compliance with the new law.

**Q. When I review the identity and work authorization documents, should I make photocopies of them?**

A. The law does not require you to photocopy documents. However, if you wish to make photocopies, you must retain them with the I-9. Photocopies must not be used for any other purpose.

**Q. What are the requirements for retaining the I-9?**

A. You must retain the Form for at least three years. If you employ the person for more than three years, you must retain the Form for one year after the person leaves your employment.

**Q. Will I get any advance notice if an INS or DOL officer wishes to inspect my I-9's?**

A. Yes. The officer will give you at least three days advance notice before the inspection. He or she will not need to show you a subpoena or warrant at that time. Failure to provide the I-9's for inspection could result in civil money penalties.

**Q. What happens if I do everything the new law requires and INS discovers that one of my employees is not actually authorized to work?**

A. Unless the government can show that you had actual knowledge of the illegal status of the employee, you will have an affirmative defense against the imposition of employer sanctions penalties if you have done the following things:

- Had employees fill out their part of the I-9 when they started to work;
- Checked the required documents (they should appear to be genuine and to relate to the individual);
- Properly completed the I-9;
- Retained the Form for the specified time; and
- Presented the Form upon request to an INS or Department of Labor officer. You will receive at least three days advance notice.

**Q. How can I avoid discrimination while complying with the new immigration law?**

A. Employers can avoid discrimination by applying the verification procedures of the Act to *all* newly hired employees and by hiring without respect to the national origin or citizenship status of those authorized to work in the United States. Seeking identity and employment eligibility documents only from individuals of a particular national origin or from those who appear or sound foreign violates the new immigration law and may also be a violation of Title VII of the Civil Rights Act of 1964. Employers should not discharge present employees, refuse to hire new employees, or otherwise discriminate on the basis of foreign appearance, language, or name. It is also a violation of Title VII to discriminate against employees or applicants for employment on the basis of national origin.

**Q. I have heard that state employment agencies can certify that people they refer are eligible to work. Is that true?**

A. Yes. State employment agencies may elect to provide individuals they refer to employers with a certification of employment eligibility. If one of these agencies refers potential employees to you and an employee presents you with one of these certifications, you do not have to check documents or complete an I-9 if you hire that person. However, you must retain the certification as you would an I-9 and present it for inspection if requested. Employers who hire people referred by state employment agencies should become familiar with what an authorized state employment agency certification looks like.

**Q. Where can I get the Form I-9?**

- A. There are two copies of the Form I-9 in this Handbook. If you need more, you can photocopy or print the Forms. You may obtain a limited number of copies from INS. Or you may order them in bulk from the Superintendent of Documents at the following address:

Superintendent of Documents  
U.S. Government Printing Office  
Washington, D.C. 20402  
Tel. (202) 783-3238

**Q. What if one of my employees tells me that his or her Social Security Number is invalid?**

- A. You should tell the employee to get a proper Social Security Number by completing a Form SS-5. This Form is available from the Social Security Administration. You do not need to amend your employment tax returns. However, when the employee gives you the new number, you should file Form W-2C with the Social Security Administration for the years in which you reported income and withholding under the incorrect number.

**Q. What advice should I give to my employees applying to legalize their status concerning their Federal Tax obligations?**

- A. You can advise employees that when they apply to INS for permanent resident status, they will be given an IRS publication explaining requirements for filing Form W-4 or W-4A to insure correct withholding of tax on wages, procedures for correcting prior year tax records (if an invalid social security number was used) and other guidelines relating to tax benefits.

**Q. What advice should I give to newly-hired employees who ask about their Federal income tax obligations?**

- A. First, you can tell them it is important to have a valid social security number and to properly complete a W-4 or W-4A so that the employer can withhold the proper amount for income tax. Second, you can encourage employees to apply for social security numbers for their dependent children who will be five years old or older by the end of the year. Beginning in 1987, such numbers are required to be provided for dependents claimed on tax returns.

## Part Nine

### Acceptable Documents for Verifying Employment Eligibility

The following documents have been designated for determining employment eligibility by the Immigration Reform and Control Act of 1986 and the implementing regulations. As stated in Part Two, the employee will need to provide a document or documents that establish identity and employment eligibility. A complete list of acceptable documents is given on the next page. Samples of many of the acceptable documents appear on the following pages.

Some documents establish **both** identity and employment eligibility. These are listed on the Form I-9 under *List A*, "Documents that Establish Identity and Employment Eligibility."

If a person does not provide a document from *List A* he or she must provide one document that establishes identity and one document that establishes employment eligibility.

In order to establish **identity**, the person must provide a state-issued driver's license, a state-issued identification card, or one of the other documents in *List B*.

In order to establish **employment eligibility**, the person must provide a Social Security card, a United States birth certificate, or one of the immigration documents in *List C*.

If an employee is unable to provide the required document or documents within three days, he or she must at least produce (within three days) a receipt showing that he or she has applied for the document. The employee must produce the document itself within 21 days of the hire.

#### **LIST A** **Documents That Establish Identity and Employment Eligibility**

- United States Passport
- Certificate of United States Citizenship. (INS Form N-560 or N-561)
- Certificate of Naturalization. (INS Form N-550 or N-570)
- Unexpired foreign passport which:
  - Contains an unexpired stamp which reads "Processed for I-551. Temporary Evidence of Lawful Admission for permanent residence. Valid until \_\_\_\_\_. Employment authorized;" or
  - Has attached thereto a Form I-94 bearing the same name as the passport and contains an employment authorization stamp, so long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the Form I-94.
- Alien Registration Receipt Card (INS Form I-151) or Resident Alien Card (INS Form I-551), provided that it contains a photograph of the bearer.
- Temporary Resident Card. (INS Form I-688)
- Employment Authorization Card. (INS Form I-688A)

#### **LIST B** **Documents That Establish Identity**

For individuals 16 years of age or older:

- State-issued driver's license or state-issued identification card containing a photograph. If the driver's license or identification card does not contain a photograph, identifying information should be included, such as name, date of birth, sex, height, color of eyes, and address.
- School identification card with a photograph
- Voter's registration card
- United States Military card or draft record
- Identification card issued by federal, state or local government agencies
- Military dependent's identification card
- Native American tribal documents
- United States Coast Guard Merchant Mariner Card
- Driver's license issued by a Canadian government authority

For individuals under age 16 who are unable to produce one of the documents listed above:

- School record or report card
- Clinic doctor or hospital record
- Daycare or nursery school record

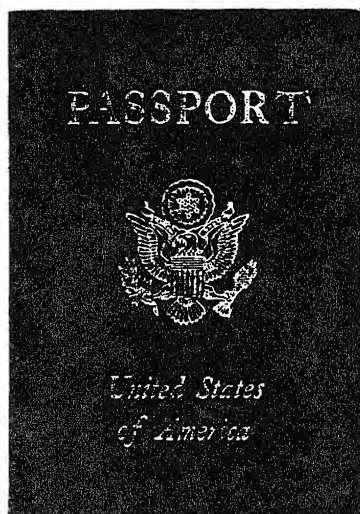
#### **LIST C** **Documents That Establish Employment Eligibility**

- Social Security number card, other than one which has printed on its face "not valid for employment purposes."  
 Note: This must be a card issued by the Social Security Administration; a facsimile (such as a metal or plastic reproduction that people can buy) is not acceptable.
- An original or certified copy of a birth certificate issued by a state, county, or municipal authority bearing an official seal
- Unexpired INS employment authorization
- Unexpired re-entry permit. (INS Form I-327)
- Unexpired Refugee Travel Document. (INS Form I-571)
- Certification of Birth issued by the Department of State. (Form FS-545)
- Certification of Birth Abroad issued by the Department of State. (Form DS-1350)
- United States Citizen Identification Card. (INS Form I-197)
- Native American tribal document
- Identification Card for use of Resident Citizen in the United States. (INS Form I-179)

**DOCUMENT LIST A.**

# United States Passport

Issued by the Department of State to United States citizens and nationals.

[illegible]

**Certificate of United States Citizenship N-560**

Issued by INS to individuals who derived citizenship through parental naturalization; acquired citizenship at birth abroad through a United States parent or parents; acquired citizenship through application by United States citizen adoptive parents; and who, pursuant to section 341 of the Act, have applied for a certificate of citizenship.

**Certificate of Naturalization N-550 or N-570**

Issued by INS to naturalized United States citizens.

[illegible][illegible]

### I-94 Arrival-Departure Record

Arrival-departure record issued by INS to nonimmigrant aliens and attached to an unexpired foreign passport. An individual in possession of this document may only be employed if the document bears an employment authorization stamp. The expiration date is noted on the face of the document.

Departure Number  
601683547 00

U.S. IMMIGRATION  
250 WAS-137  
EMPLOYMENT AUTHORIZED  
MAY 11 1987  
CLASS X-1  
EXPIRES AUG 1 1987

Immigration and Naturalization Service  
I-94  
Departure Record

14 Family Name  
GRIFFIN  
15 First (Given) Name  
MARVIN  
16 Birth Date (Day/Mo/Yr)  
11.04.62  
17 Country of Citizenship  
U.S.

Warning: A nonimmigrant who accepts unauthorized employment is subject to deportation.

Important: Retain this permit in your possession; you must surrender it when you leave the U.S. Failure to do so may delay your entry into the U.S. in the future. You are authorized to stay in the U.S. only until the date written on this form. To remain past this date, without permission from immigration authorities, is a violation of the law.

Surrender this permit when you leave the U.S.:

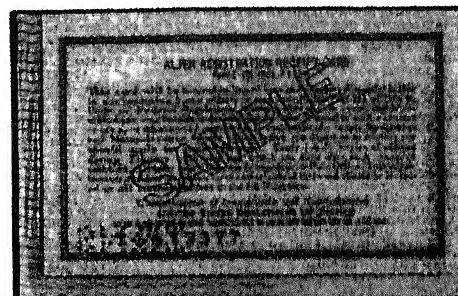
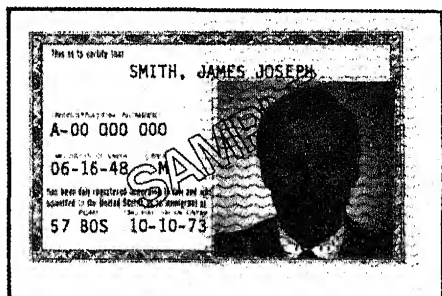
- By sea or air, to the transportation line;
- Across the Canadian border, to a Canadian official;
- Across the Mexican border, to a U.S. official.

Students planning to reenter the U.S. after returning to the same school, see "Arrival-Departure" on page 2 of Form I-20 before surrendering this permit.

Port: \_\_\_\_\_  
Date: \_\_\_\_\_  
Carrier: \_\_\_\_\_  
Flight/Ship Name: \_\_\_\_\_

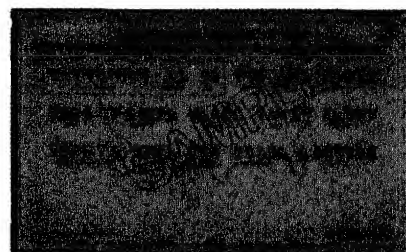
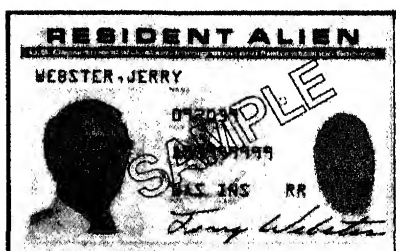
### Alien Registration Receipt Card I-151

Issued by INS, prior to June 1978, to lawful permanent resident (lawful immigrant) aliens. There are numerous versions of this card because it was periodically revised. Although this card is no longer issued, it is valid indefinitely. This card is also commonly referred to as a "green card."



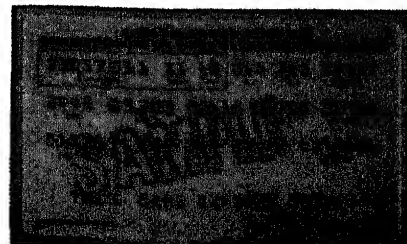
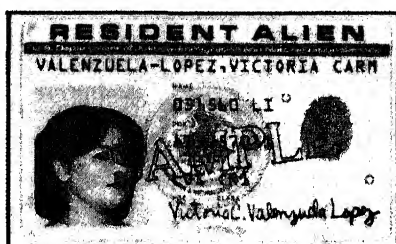
### Alien Registration Receipt Card (Resident Alien Card) I-551

Issued by INS to lawful permanent resident (lawful immigrant) aliens. Valid indefinitely, this card is commonly referred to as a "green card" and is a revised edition of Form I-151.



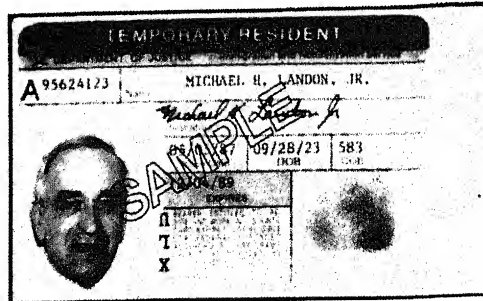
### Alien Registration Receipt Card (Conditional Resident Alien Card) I-551

Issued by INS to conditional permanent residents such as alien spouses of United States citizens or lawful permanent residents. Although it is the same card as the I-551 issued to permanent resident aliens, this card is valid for a limited period of time. The expiration date is stated on the back of the card.



### Temporary Resident Card I-688

Issued by INS to aliens granted temporary resident status under the legalization or SAW programs.  
It is valid until the expiration date stated on the face of the document.

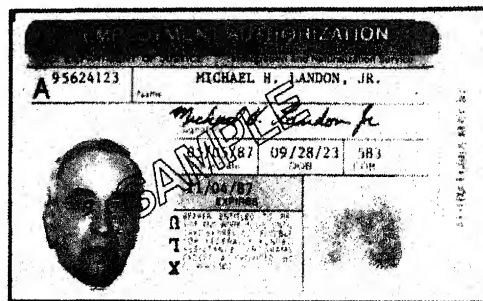


Presentation of this document will authorize a transportation line to accept the named bearer on board for travel to the United States without liability under Section 23 of the Immigration and Nationality Act. Presentation of the document prior to the expiration date will authorize an immigration officer at a port of entry in the United States to permit the named bearer whose photograph, fingerprint and signature appear hereon to enter the United States and assume the status previously granted under Section 245A or Section 210 of the Immigration and Nationality Act, as amended.

This document is evidence of alien registration and must be carried at all times and is void if data on reverse is altered.

### Employment Authorization Card I-688A

Issued by INS to applicants for temporary resident status after their interview for legalization or SAW status. It is valid for a period of six months from issuance and has the expiration date stated on the face of the card.



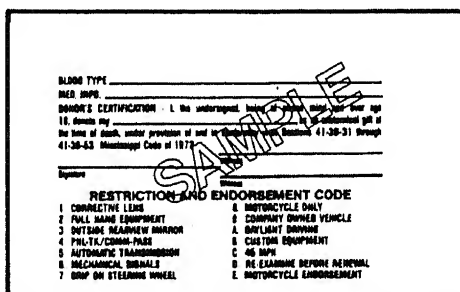
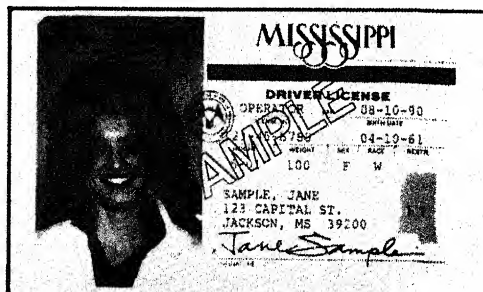
The person identified on the reverse is an applicant for Temporary Resident status under a provision of the Immigration and Nationality Act as amended by P.L. 99-603. This document, presented during its validity period by the person to whom it was issued is a document of identity and employment eligibility required to be submitted by an employer under Section 274A of the Act.

This document is evidence of alien registration and must be carried at all times and is void if altered.

### DOCUMENT LIST B.

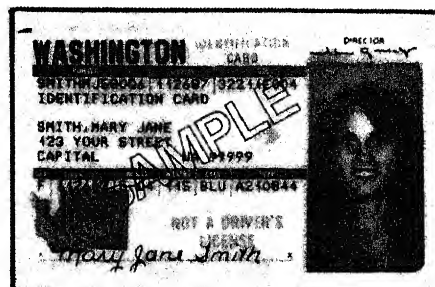
#### Sample Driver's License

A driver's license issued by any state (including the District of Columbia, Puerto Rico, the Virgin Islands and Guam) or by a Canadian government authority is acceptable if it contains a photograph or other identifying information such as name, date of birth, sex, height, color of eyes and address.



### Sample State Identification Card

An identification card issued by any state (including the District of Columbia, Puerto Rico, the Virgin Islands and Guam) is acceptable if it contains a photograph or other identifying information such as name, date of birth, sex, height, color of eyes and address.



### DOCUMENT LIST C.

#### Social Security Card



This card is invalid if laminated.  
 This card is invalid if not signed by the number holder unless health or age prevents signature.  
 Improper use of this card and/or number by the number holder or any other person is punishable by fine, imprisonment or both.  
 This card is the property of the Social Security Administration and must be returned upon request. If found, return to:  
 SSA - PO Box 1087  
 Baltimore, MD 21201  
 ATTN: FOUND SSN CARD (Return postage guaranteed)  
 Department of Health and Human Services  
 Social Security Administration  
 Form OA-702 (10-83) **B05193176**

#### Sample Birth Certificates

**BIRTH CARD CERTIFICATION**  
**KENTUCKY DEPARTMENT FOR HEALTH SERVICES**  
 REGISTRAR OF VITAL STATISTICS

BIRTH NUMBER: 118-68-29839-26

NAME: OMAR L. GREENMAN  
 BIRTHDATE: 6-11-1920  
 BIRTHPLACE: McCracken County, Kentucky  
 RECORD FILED: 6-11-1926  
 DATE ISSUED: 10-11-83  
 CARD NUMBER: 0000

**SAMPLE**  
 OMAR L. GREENMAN, STATE REGISTRAR

THIS CERTIFICATION IS A TRUE ABSTRACT OF THE ORIGINAL BIRTH RECORD OF THE PERSON NAMED ON THE REVERSE SIDE, WHICH RECORD IS ON FILE WITH AND IN OFFICIAL CUSTODY OF THE STATE REGISTRAR OF VITAL STATISTICS AT FRANKFORT, KENTUCKY.

ISSUED UNDER AUTHORITY OF CHAPTER 213  
 KENTUCKY REVISED STATUTES.

**STATE OF MICHIGAN**  
 DEPARTMENT OF PUBLIC HEALTH

STATE FILE NUMBER: \_\_\_\_\_

**CERTIFICATE OF LIVE BIRTH**

CHILD - NAME (FIRST) JOHN (MIDDLE) LEE (LAST) DOW

SEX: MALE THIS BIRTH - SINGLE, TWIN, TRIPLET, ETC. (SPECIFY) SINGLE DATE OF BIRTH: 4-6-1901 HOUR: 12:00PM

HOSPITAL NAME - (IF NOT HOSPITAL, GIVE STREET AND NUMBER) OUTER DRIVE HOSPITAL CITY, VILLAGE, OR TOWNSHIP OF BIRTH: LINCOLN PARK COUNTY OF BIRTH: WAYNE

CERTIFICATION: CERTIFY THAT THE ABOVE NAMED CHILD WAS BORN ALIVE AT THE PLACE AND TIME AND ON THE DATE STATED ABOVE NAME AND TITLE OF ATTENDANT AT BIRTH IF OTHER THAN CERTIFIER

8a. SIGNATURE: DR. WALTER SMITH DATE: 4-2-1901 8b. MAILING ADDRESS (ST. NO., CITY OR VILLAGE, STATE, ZIP): 100000 SOUTHWICK RD. LINCOLN PARK, MICH. 48146

8c. REGISTRAR'S SIGNATURE: J. B. Britton DATE RECEIVED BY LOCAL REGISTRAR - AND, DAY, YEAR: April 6, 1901

MOTHER - MAIDEN NAME: MARY LOU JONES SOCIAL SECURITY NUMBER: 111-111-3647 AGE (AT TIME OF THIS BIRTH): 22 STATE OF BIRTH: MICH.

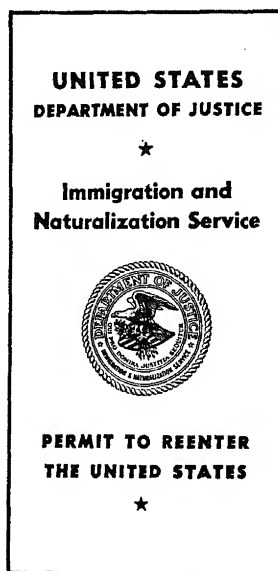
RESIDENCE: (Check one box and specify) INSIDE CITY LIMITS OF: LINCOLN PARK COUNTY: WAYNE STATE: MICH.

FATHER - NAME: HENRY JOHN DOW SOCIAL SECURITY NUMBER: 222-333-4786 AGE (AT TIME OF THIS BIRTH): 23 STATE OF BIRTH: MICH.

8213b (1/80) MDPH I CERTIFY THAT THE PERSONAL INFORMATION PROVIDED ON THIS CERTIFICATE IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF 10a. SIGNATURE: MARY DOW DATE: 4-3-1901 10b. RELATION TO CHILD: MOTHER

### Unexpired Re-Entry Permit I-327

Issued by INS to lawful permanent resident (lawful immigrant) aliens before they leave the United States for a one to two year period.



NAME		REGISTRATION NUMBER	
ADDRESS IN U.S.		A	
DATE OF BIRTH	COUNTRY OF BIRTH	COUNTRY OF CLAIMED NATIONALITY	
SEX	RACE	HEIGHT	
WEIGHT		FEET	INCHES
VALIDITY OF PERMIT			
PERMIT EXPIRES		PERMIT EXTENDED TO	
DATE OF EXPIRATION		DATE AND LOCATION OF OFFICE	
SIGNATURE OF INSPECTOR		SIGNATURE OF APPLICANT	
SIGNATURE OF INSPECTOR		SIGNATURE OF APPLICANT	

PHOTOGRAPH

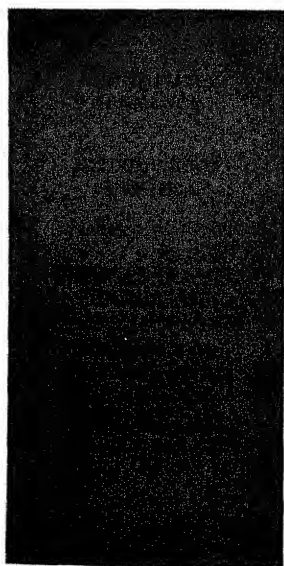
NOTICE

VALID FOR ☐ ONE ENTRY ONLY ☐ MULTIPLE ENTRIES

A permit to reenter has no effect unless the holder is in possession of a valid passport or other document which is acceptable to the United States. It does not relieve him from meeting the other requirements of the Immigration laws. Persons who have been convicted of a crime involving moral turpitude or who have been deported or excluded from the United States, or who are inadmissible to the United States, are not eligible for this permit. It is subject to revocation at any time.

### Unexpired Refugee Travel Document I-571

Issued by INS to aliens who have been granted refugee status. The expiration date is stated on page four.



NAME		REGISTRATION NUMBER	
ADDRESS IN U.S.		A	
DATE OF BIRTH	COUNTRY OF BIRTH	COUNTRY OF CLAIMED NATIONALITY	
SEX	RACE	HEIGHT	
WEIGHT		FEET	INCHES
VALIDITY OF PERMIT			
PERMIT EXPIRES		PERMIT EXTENDED TO	
DATE OF EXPIRATION		DATE AND LOCATION OF OFFICE	
SIGNATURE OF INSPECTOR		SIGNATURE OF APPLICANT	
SIGNATURE OF INSPECTOR		SIGNATURE OF APPLICANT	

PHOTOGRAPH

NOTICE

VALID FOR ☐ ONE ENTRY ONLY ☐ MULTIPLE ENTRIES

A permit to reenter has no effect unless the holder is in possession of a valid passport or other document which is acceptable to the United States. It does not relieve him from meeting the other requirements of the Immigration laws. Persons who have been convicted of a crime involving moral turpitude or who have been deported or excluded from the United States, or who are inadmissible to the United States, are not eligible for this permit. It is subject to revocation at any time.

### Certification of Birth issued by the Department of State FS-545

Issued by U.S. embassies and consulates overseas to  
United States citizens born abroad.

### Certification of Birth issued by the Department of State DS-1350

Issued by the U.S. Department of State to  
United States citizens born abroad.

### United States Citizen Identification Card I-197

Issued by INS to United States citizens. INS no longer issues this card.

### Identification Card for use of Resident Citizen in the United States I-179

Issued by INS to United States citizens who are residents of the United States. INS no longer issues this card.

## How to Obtain More Information

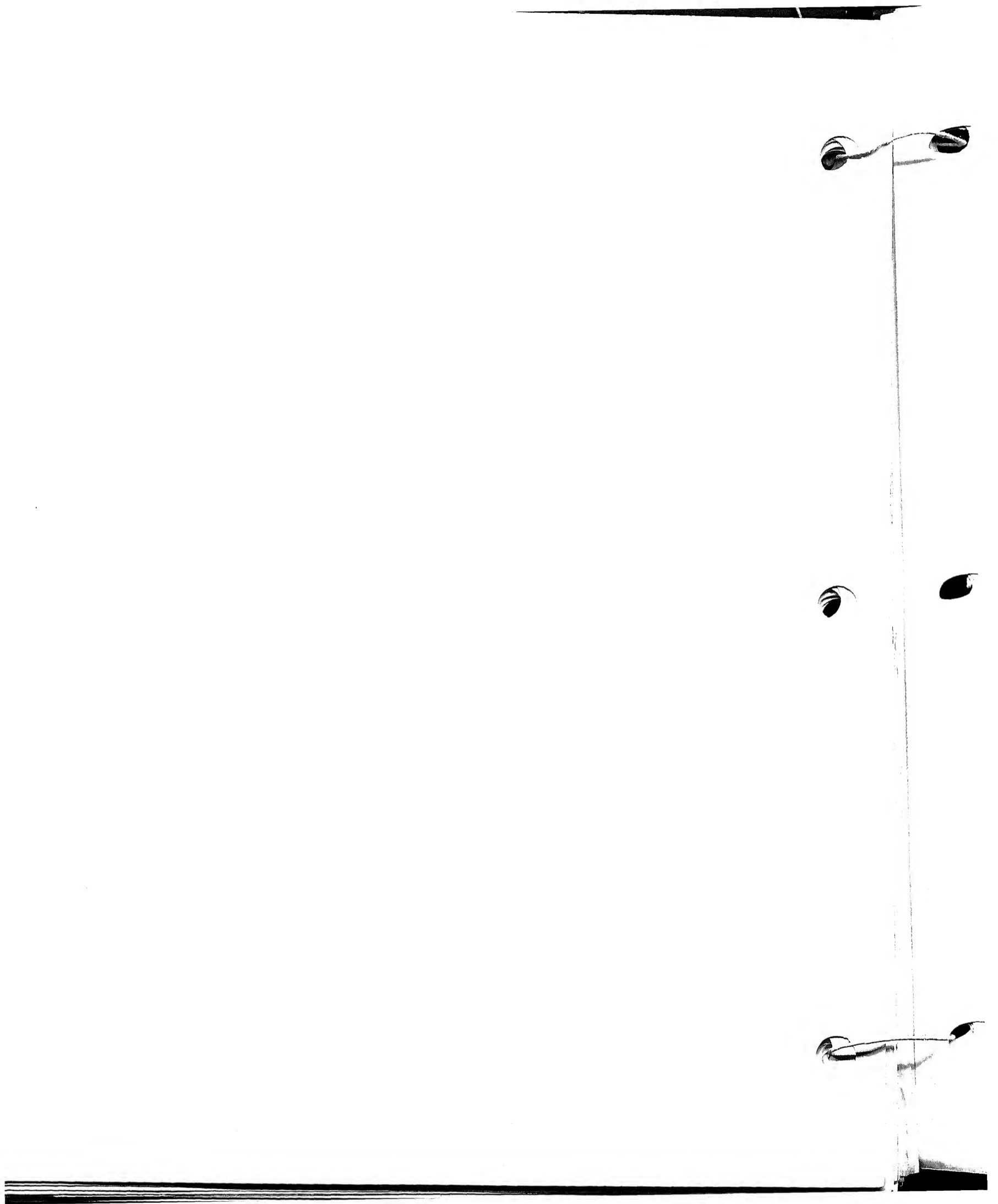
If you have questions after reviewing this Handbook, you may obtain information from one of the following local INS offices. Direct your letter to the attention of the *Employer Relations Officer*.

<b>ALABAMA</b> 75 Spring Street S.W. Atlanta, GA 30303	<b>KENTUCKY</b> 701 Loyola Avenue, Room T-8005 New Orleans, LA 70113	<b>OKLAHOMA</b> Federal Building, Room 6A 21 1100 Commerce Street Dallas, TX 75242	<b>WYOMING</b> 1787 Federal Building 1961 Stout Street Denver, CO 80202
<b>ALASKA</b> 701 "C" Street, Room D-251 Lock Box 16 Anchorage, AK 99513	<b>LOUISIANA</b> 701 Loyola Avenue, Room T-8005 New Orleans, LA 70113	<b>OREGON</b> 511 N.W. Broadway Portland, OR 97209	<b>BORDER PATROL HEADQUARTERS</b>  1590 H Street P.O. Drawer V Blaine, WA 98230 P.O. Box 2020 Del Rio, TX 78841-2020 P.O. Box 32639 Detroit, MI 48232 1111 North Imperial Avenue P.O. Box 60 El Centro, CA 92243 P.O. Box 9578 El Paso, TX 79986 P.O. Box 1657 Grand Forks, ND 58206-1657 P.O. Box 112 Havre, MT 59501 P.O. Box 706 Houlton, ME 04730 207 West Del Mar Boulevard Laredo, TX 78041 P.O. Box 1 Marfa, TX 79843 2301 South Main Street McAllen, TX 78501 161 N.E. 183rd Street P.O. Box 3663 Norland Branch Miami, FL 33169 P.O. Box 6218 New Orleans, LA 70174 P.O. Box 880 Pleasanton, CA 94566 3752 Beyer Boulevard San Ysidro, CA 92073-9022 P.O. Box 18930 Spokane, WA 99208 Grand Avenue P.O. Box 705 Swanton, VT 05488 1970 West Ajo Way Tucson, AZ 85713 231 Grand Island Boulevard Tonawanda, NY 14150 P.O. Box 2708 Yuma, AZ 85364
<b>ARIZONA</b> 230 North First Avenue Phoenix, AZ 85025	<b>MAINE</b> P.O. Box 578, Downtown Station Portland, ME 04112	<b>PENNSYLVANIA</b> 601 Market Street Room 1321, U.S. Courthouse Philadelphia, PA 19106	
<b>ARKANSAS</b> 701 Loyola Avenue, Room T-8005 New Orleans, LA 70113	<b>MARYLAND</b> 101 West Lombard Street Baltimore, MD 21201	<b>PUERTO RICO</b> GPO Box 5068 San Juan, Puerto Rico 00936	
<b>CALIFORNIA</b> 300 North Los Angeles Street Los Angeles, CA 90012  880 Front Street San Diego, CA 92188  630 Sansome Street San Francisco, CA 94111	<b>MASSACHUSETTS</b> JFK Federal Building Government Center Boston, MA 02203	<b>RHODE ISLAND</b> JFK Federal Building Government Center Boston, MA 02203	
<b>COLORADO</b> 1787 Federal Building 1961 Stout Street Denver, CO 80202	<b>MICHIGAN</b> 333 Mount Elliott Street Detroit, MI 48207	<b>SOUTH CAROLINA</b> 75 Spring Room S.W. Atlanta, GA 30303	
<b>CONNECTICUT</b> JFK Federal Building Government Center Boston, MA 02203	<b>MINNESOTA</b> 927 Main Post Office Building St. Paul, MN 55101	<b>SOUTH DAKOTA</b> 927 Main Post Office Building St. Paul, MN 55101	
<b>DELAWARE</b> 601 Market Street Room 1321, U.S. Courthouse Philadelphia, PA 19106	<b>MISSISSIPPI</b> 701 Loyola Avenue, Room T-8005 New Orleans, LA 70113	<b>TENNESSEE</b> 701 Loyola Avenue, Room T-8005 New Orleans, LA 70113	
<b>DISTRICT OF COLUMBIA</b> 4420 North Fairfax Drive Arlington, VA 22203	<b>MISSOURI</b> 9747 North Conant Avenue Kansas City, MO 64153	<b>TEXAS</b> Federal Building, Room 6A 21 1100 Commerce Street Dallas, TX 75242 P.O. Box 9398 El Paso, TX 79984 2102 Teege Road Harlingen, TX 78550 2627 Caroline Street Houston, TX 77004 727 East Durango, Suite A301 San Antonio, TX 78206	
<b>FLORIDA</b> 7880 Biscayne Boulevard Miami, FL 33138	<b>MONTANA</b> Federal Building, Room 512 310 South Park, Drawer 10036 Helena, MT 59626-0036	<b>UTAH</b> 1787 Federal Building 1961 Stout Street Denver, CO 80202	
<b>GEORGIA</b> 75 Spring Street S.W. Atlanta, GA 30303	<b>NEBRASKA</b> Federal Building, Room 1008 106 South 15th Street Omaha, NE 68102	<b>VERMONT</b> P.O. Box 578, Downtown Station Portland, ME 04112	
<b>GUAM</b> 595 Ala Moana Boulevard Honolulu, HI 96813	<b>NEVADA</b> 230 North First Avenue Phoenix, AZ 85025	<b>VIRGINIA</b> 4420 North Fairfax Drive Arlington, VA 22203	
<b>HAWAII</b> 595 Ala Moana Boulevard Honolulu, HI 96813	<b>NEW HAMPSHIRE</b> JFK Federal Building Government Center Boston, MA 02203	<b>VIRGIN ISLANDS</b> GPO Box 5068 San Juan, Puerto Rico 00936	
<b>IDAHO</b> Federal Building, Room 512 310 South Park, Drawer 10036 Helena, MT 59626-0036	<b>NEW JERSEY</b> 970 Broad Street Newark, NJ 07102	<b>WASHINGTON</b> 815 Airport Way South Seattle, WA 98134	
<b>ILLINOIS</b> 219 South Dearborn Street Chicago, IL 60604	<b>NEW MEXICO</b> 343 U.S. Courthouse P.O. Box 9398 El Paso, TX 79984	<b>WEST VIRGINIA</b> 601 Market Street Room 1321, U.S. Courthouse Philadelphia, PA 19106	
<b>INDIANA</b> 219 South Dearborn Street Chicago, IL 60604	<b>NEW YORK</b> 68 Court Street Buffalo, NY 14202 26 Federal Plaza New York, NY 10278	<b>WISCONSIN</b> 219 South Dearborn Street Chicago, IL 60604	
<b>IOWA</b> Federal Building, Room 1008 106 South 15th Street Omaha, NE 68102	<b>NORTH CAROLINA</b> 75 Spring Street S.W. Atlanta, GA 30303		
<b>KANSAS</b> 9747 North Conant Avenue Kansas City, MO 64153	<b>NORTH DAKOTA</b> 927 Main Post Office Building St. Paul, MN 55101		
	<b>OHIO</b> 1240 East 9th Street, Room 1917 Cleveland, OH 44199		

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REFERENCE SOURCES ON U.S. IMMIGRATION  
LAW, REGULATIONS, AND PROCEDURES \*\*

12. Useful Immigration Publications

With the enactment of the Simpson-Rodino Act, interest in and requests for information about U.S. immigration laws and procedures are at a historic high. The INS and State and Labor Departments have issued a number of publications over the years that may be of interest to practitioners, employers and individuals. Some of the relevant publications are summarized below.

Individual copies of the INS publications are free and theoretically available at any INS office. However, many INS offices do not have them. Many of the documents can also be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 783-3238. The relevant GPO stock numbers and prices are listed below. Some of the primary source materials are also reproduced in various immigration law treatises.

Caveat: Many of the publications have not been revised recently, and may contain outdated or now inaccurate information.

General

1. *U.S. Immigration Laws and General Information*. (INS Pub. No. M-50, April 1983, 241 pp.). Provides an overview of U.S. immigration laws. GPO Stock No. 027-002-00287-3. \$1.00/copy. (May be out of print).
2. *Guide to Immigration Benefits*. (INS Pub. No. M-210, 1982, 214 pp.). Explains eligibility requirements for nonimmigrant and immigrant visa categories, procedures for preparing and submitting applications and petitions, adjustment of status and consular visa processing procedures, and naturalization and citizenship requirements. GPO Stock No. 027-002-00267-9. \$8.00/copy.
3. *INS Reporter*. A quarterly publication by INS explaining its activities. GPO Stock No. 727-003-00000-2. Subscription price: domestic-\$13.00/year; foreign-\$16.25/year. Single copy price: domestic-\$3.50/copy; foreign-\$4.38/copy.
4. *Visa Office Bulletin*. (DOS Visa Office). This free monthly publication contains the relevant visa priority dates and other useful information. To be added to the mailing list, write "Visa Bulletin," Visa Office, U.S. Department of State, Washington, D.C. 20520.
5. *Statistical Yearbook of the Immigration and Naturalization Service*. Approximately 200 pp. Provides statistical information, tables and information about the following categories: immigrants, nonimmigrants, refugees, naturalization, enforcement, entries, litigation and legislation. The most recent volume covers FY 1984. GPO Stock No. 027-002-00316-1. \$8.00/copy.
6. *Report of the Visa Office* (DOS Pub. No. 9455). Approximately 100 pages. Provides similar information and statistics for State Department nonimmigrant and immigrant consular processing. The most recent volume is for FY 1984. To obtain a free copy, write "Visa Office Annual Report," Visa Office, U.S. Department of State, Washington, D.C. 20520. An announcement of the annual Visa Office Report is also made in the Visa Office Bulletin.

Employment Related

- 2 7. *Documentary Requirements for Aliens in the United States* (INS Pub. No. M-97, October 1981, 18 pp.). Provides sample immigration identification documents, including nonimmigrant visas, Form AR-3a (alien registration receipt card), Forms I-151 and I-551 (alien registration receipt cards, also known as green cards), Forms I-185, I-186 and I-586 (nonresident alien Canadian and Mexican border crossing cards), Form I-444 (Mexican border visitors permit), various versions of Form I-94 (arrival-departure record) for normal nonimmigrants, parolees and refugees, and Form I-95A (crewman's landing permit). Employers and others might want to refer to this book to gain a better understanding of the many ways an alien may lawfully be in the U.S., and to check for verification purposes under the Simpson-Rodino Act. The pamphlet is not complete, however, and is out of date. The INS may issue a revised version of this pamphlet. GPO Stock No. 027-002-00263-6. \$2.25/copy. (May be out of print).

8. *The Immigration of Permanent Foreign Workers*. (INS Pub. No. M-272, August 1986, 21 pp.). Explains the law and procedures for immigrant visa petitions for foreign workers.

9. *Instructions for Filing Applications for Alien Employment Certification for Permanent Employment in the United States*. (1980, 20 pp.). Provides the labor certification forms (ETA 750-A and -B) and instructions for completing the forms. GPO Stock No. 029-014-01796-5. \$2.25/copy.

10. *Employment of F-1 and M-1 Nonimmigrant Students in the United States*. (INS Pub. No. M-201, February 1984, 6 pp.). Describes the conditions under which F-1 and M-1 students and their spouses and children may lawfully work in the U.S. GPO Stock No. 027-002-00312-8. \$15.00/100 copies.

#### Naturalization and Citizenship

11. *Naturalization Requirements and General Information*. (INS Pub. No. N-17, May 1983, 40 pp.). Describes the general requirements for obtaining naturalization.

12. *Gateway to Citizenship* (1979, 160 pp.). Provides materials to be used in naturalization ceremonies and offers selected reading materials. GPO Stock No. 027-002-00207-5. \$3.25/copy. (Temporarily out of stock; being reprinted).

13. *Basic Guide to Naturalization*. (INS Pub. No. M-230, 115 pp.). Explains the requirements and procedures for applying for naturalization. The book's appendix also includes completed sample forms, lists of citizenship education texts and typical questions and answers on U.S. history and government asked by naturalization examiners. GPO Stock No. 027-002-00241-5. \$5.50/copy. (Temporarily out of stock; being reprinted).

14. *Information Concerning Citizenship Education to Meet Naturalization Requirements*. (INS Pub. No. M-132, February 1977, 4 pp.). Lists textbooks naturalization applicants can use to prepare for the oral English, history and government examination. Also lists addresses of universities that have established correspondence courses to teach the citizenship requirements.

15. *Our American Government: What is it? How Does it Function? 150 Questions and Answers*. (1981, 76 pp.) Self-explanatory. GPO Stock No. 052-071-00627-3. \$4.50/copy.

#### Primary Source Materials

16. *Immigration and Nationality Act, with Amendments and Notes on Related Laws*. (September 1980, 248 pp.). Also known as the "Brown Book" because of the color of its cover, this book contains the complete text of all immigration related laws. It is arranged by INA section number, but provides parallel citations to the U.S. Code. The book is now out of date. Some thought is being given to printing an updated edition to include the various immigration laws enacted since 1980. GPO Stock No. 052-070-05410-7. \$6.00/copy.

17. *Code of Federal Regulations* (1986)

Title 8 (INS) - GPO Stock No. 822-007-00022-8. \$7.00/copy.

Title 20 (Parts 500-end) (Labor Department for labor certification regulations) - GPO Stock No. 822-007-00055-4. \$23.00/copy.

Title 22 (State Department) - GPO Stock No. 822-007-00065-1. \$22.00/copy.

18. *Immigration and Naturalization Service Code, Operations Instructions, Regulations and Interpretations*. A four volume loose-leaf subscription service that contains the law, regulations, and operations instructions, arranged by INA section number. GPO Stock No. 927-002-00000-1. Subscription price: domestic-\$196.00; foreign-\$245.00.

19. *Technical Assistance Guide No. 656: Labor Certifications*. (1981, 270 pp.) This book is the Labor Department's equivalent of the INS's Operations Instructions. Many state and local officials rely on the "TAG," as it is called, as their Bible for answering labor certification questions. GPO Stock No. 029-014-00217-8. \$11.00/copy.

20. *Administrative Decisions Under Immigration and Nationality Laws of the United States*. A multi-volume set containing the text of precedent decisions issued by the INS and Board of Immigration Appeals. The series is frequently cited as \_\_\_ IN \_\_\_ or \_\_\_ I&N Dec. \_\_\_. The most recent volume is No. 18, for decisions issued between March 1981 and September 1983. GPO Stock No. 027-002-00308-0. \$19.00/copy.

21. *Foreign Affairs Manual of the Department of State (Vol. 9)*. This four-part set contains the text and State Department interpretations of the relevant immigration statutes and regulations. The "FAM," as it is called, is designed for use by consular officials, but became available to immigration practitioners through the Freedom of Information Act. Part I of the set contains the text of the INA; Part II contains the State Department's nonimmigrant visa regulations and interpretations; Part III includes the immigrant visa regulations and interpretations; and Part IV lists the availability of foreign documents, reciprocity schedules and visa issuing countries. The cost of the entire set is \$217.50. For more information or to order the FAM, contact Ms. Barbara King, FAIM/PS/DS Room B845, U.S. Department of State, 21st Street and Virginia Avenue, N.W., Washington, D.C. 20520, (202) 647-2536. The Visa Office does not automatically send out updates and changes to the FAM; buyers must periodically write and request them.

#### Miscellaneous

22. *Immigration and Naturalization Service: Student and School Regulations*. (INS Pub. No. M-242, February 1984, 28 pp.). Reprints the relevant regulations from 8 CFR Parts 214 and 248 concerning foreign students' eligibility to attend school and work in the U.S. GPO Stock No. 027-002-00307-1. \$1.75/copy.

23. *The Immigration of Adopted and Prospective Adoptive Children*. (INS Pub. No. M-249, November 1984, 25 pp.). Explains the basic orphan petition procedures and requirements. GPO Stock No. 027-002-00313-6. \$1.75/copy.

24. *Public Law 97-359: Amerasian Processing Manual*. (INS Pub. No. M-254, 1985, 91 pp.). Explains the procedures by which certain Amerasian children of U.S. citizen fathers may immigrate to the U.S. The book's appendix provides sample completed forms and documents.

25. *Understanding the 1986 Immigration Law* by Maurice A. Roberts and Stephen Yale-Loehr, Federal Publications, Inc. Washington, DC. Reproduces the law, draft regulations, early forms for the Immigration Reform and Control Act of 1986.

\*\* Reproduced with kind permission of Mr. Maurice A. Roberts, Editor, Interpreter Releases, Vol. 64, No. 7, Feb. 17, 1987.

List of Enclosures For  
Immigration and Naturalization Service  
Congressional Resource Handbook

Forms - Samples

- I-20 \* Certificate of Eligibility (for students - F-1)
- I-72 \* Form letter for returns for additional information
- I-90 \* Application by Permanent Resident for Replacement  
Alien Registration Card
- I-94 \* Arrival - Departure Record
- I-129B \* Petition to Classify Nonimmigrant as Temporary Worker  
or Trainee (H-1, H-2, H-3,)
- I-129F \* Petition to Classify Status of Alien Fiance or Fiancee  
for issuance of Nonimmigrant Visa (K-1)
- I-129L \* Petition to Classify Nonimmigrant as IntraCompany  
Transferee (L-1)
- I-129S \* Certificate of Eligibility for IntraCompany Transferee
- I-130 \* Petition to Classify Status of Alien Relative  
for Issuance of Immigrant Visa
- I-131 \* Application for Issuance of Reentry Permit
- I-134 \* Affidavit of Support
- I-140 \* Petition to Classify Preference Status of Alien  
on Basis of Profession or Occupation
- I-151 \* Alien Registration Receipt Card ("green card"  
obsolete edition)
- I-171 \* Notice of Approval of I-130
- I-171C \* Notice of Approval of I-129B or I-129L
- I-171F \* Notice of Approval of I-129F
- I-192 \* Application for Advance Permission to enter as nonimmigrant
- I-194 \* Advance Permission to Enter As Nonimmigrant (212(d)(3) of Act)  
(212(d)(A) or (B) of Act)
- I-210 \* Voluntary Departure Notice
- I-212 \* Application for Permission to Reapply for Admission  
After Deportation or Removal

- I-290A \* Notice of Appeal to Board of Immigration Appeals
- I-290B \* Notice of Appeal to Administrative Appeals Unit
- I-292 \* Decision Notice - Denial
- I-464 \* Notice of Third or Sixth Preference Petition Approval
- I-485 \* Application for Status As Permanent Resident
- I-506 \* Application for Change of Nonimmigrant Status
- I-538 \* Application by Student for Extension, Transfer, Employment
- I-539 \* Application to Extend Time of Temporary Stay
- I-551 \* Alien Registration Receipt Card (ADIT CARD)
- I5-70 \* Application for Refugee Travel Document
- I-589 \* Request for Asylum
- I-600 \* Orphan Petition
- I-601 \* Application for Waiver of Excludability (212(h) or (i) of Act)
- I-612 \* Application for Waiver of Foreign Residence Requirement  
(212(e))
- I-643 \* HHS Statistical Data
- I-687 \* Application for Status as a Temporary Resident  
(section 245A INA)
- I-688 \* Temporary Resident Card
- I-688A \* Employment Authorization Card
- I-690 \* Application for Waiver of Grounds of Excludability
- I-691 \* Notice of Approval of Status as a Temporary Resident
- I-692 \* Notice of Denial for Status as a Temporary Resident
- I-693 \* Medical Examination for Status as a Temporary Resident  
Under Pub.L. 99-603
- I-694 \* Notice of Appeal
- I-695 \* Application for Replacement of Form I-688 Temporary  
Resident Card (Under Pub.L. 99-603)
- I-697 \* Change of Address
- I-698 \* Application to Adjust Status from Temporary to Permanent  
Resident (Under the Immigration Reform and Control Act of 1986)
- I-700 \* Application for Status as a Temporary Resident (section 210 INA)
- I-705 \* Affidavit to Corroborate Employment Claimed by an Applicant  
for Status as a Temporary Resident (section 210 INA)
- I-730 \* Refugee/Asylee Relative Petition
- M-6 \* INS Regional and District Areas

M-7	*	Textbook on Citizenship and Government
M-39	*	Housestudy Textbook on Citizenship
M-40	*	Sample Test Questions on Citizenship
M-50	*	General Information - INS Laws
M-74	*	Gateway to Citizenship
M-76	*	Welcome to USA Citizenship
M-97	*	Documentary Requirements for Aliens in the U.S.
M-188	*	Appeals and Motions
M-195	*	Student and Exchange Visitor Documentary Requirements
M-201	*	Employment of Students
M-210	*	Guide to Immigration Benefits
M-272	*	Immigration of Permanent Foreign Workers
N-17	*	Naturalization Requirement and General Information
N-400	*	Application to File Petition for Naturalization
N-402	*	Application to File Petition for Naturalization in Behalf of Child
N-565	*	Application for New Naturalization or Citizenship Papers
N-600	*	Application for Certification of Citizenship
G-325A	*	Biographic Information
G-641	*	Application for Verification of Information from INS Records

How to Get More Forms:

- o Local Offices of INS
- o INS Congressional Affairs Staff - 633-2315
- o Government Printing Office (large supplies)

This page must be completed and signed in the U.S. by a designated school official.

FAMILY NAME (SURNAME)		
FIRST (GIVEN) NAME (do not enter middle name)		
DATE OF BIRTH	COUNTRY OF CITIZENSHIP	
DAY MO. YR.	COUNTRY OF BIRTH	

For Immigration Official	
<input type="checkbox"/> REINSTATED, EXTENSION GRANTED TO	
Visa Issuing Post	DATE VISA ISSUED
NUMBER OF VISA	
ADMISSION NUMBER (Complete if known)	

School Name
School Official to be notified of student's arrival in U.S. (Name and Title)
School Address (Include Zip Code)

1. This school is approved by the Immigration and Naturalization Service for attendance by nonimmigrant students (fill out all blanks):

School name (School/School District) \_\_\_\_\_  
Approval granted on (date) \_\_\_\_\_ School file number (including 3-digit suffix) \_\_\_\_\_ 214F \_\_\_\_\_ \*

2. This certificate is issued to the student named above for (check and fill out as appropriate):

- a. ☐ Initial attendance at this school.  
b. ☐ Continued attendance at this school after a temporary absence from the United States.  
c. ☐ Transfer,  
d. ☐ Use by spouse and/or children in acquiring nonimmigrant F-2 classification.  
e. ☐ Other (specify): \_\_\_\_\_

3. The student named above has been accepted for a full course of study at this institution (complete each of the following):

Majoring in the field of \_\_\_\_\_  
The student is expected to report to the school not later than (date) \_\_\_\_\_, and complete studies not later than (date) \_\_\_\_\_.  
The normal length of the course of study is \_\_\_\_\_

4. Level of education of course of study student is pursuing or will pursue in the United States (Check only one):

- a. ☐ Primary c. ☐ Undergraduate e. ☐ Graduate-Ph D g. ☐ Other  
b. ☐ High school d. ☐ Graduate-master's f. ☐ Language training

5. a. Proficiency in the English language ☐ is required.

1. ☐ The school has determined that the student has the required proficiency.  
2. ☐ If the student is not yet proficient, he or she will be given instruction at the school consisting of: \_\_\_\_\_  
b. Proficiency in the English language is not ☐ required. Explain why not: \_\_\_\_\_

6. This school estimates the student's average costs for an academic term of \_\_\_\_\_ months (up to 12 months) to be the following:

- a. Tuition and fees \$ \_\_\_\_\_  
b. Living expenses \$ \_\_\_\_\_  
c. Expenses of dependent(s): \$ \_\_\_\_\_  
d. Other (specify) \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

7. This school has information showing the following as the student's means of support, estimated for an academic term of \_\_\_\_\_ months up to 12 months (must be the same number of months given in item #6):

- a. Personal funds of the student: \$ \_\_\_\_\_  
b. Family funds from abroad: \$ \_\_\_\_\_  
c. Funds from this school  
(Specify type): \_\_\_\_\_ \$ \_\_\_\_\_  
d. Funds from another source  
(Specify type/source): \_\_\_\_\_ \$ \_\_\_\_\_  
e. On-Campus employment, if applicable: \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

8. Remarks (complete as appropriate): \_\_\_\_\_

I certify under penalty of perjury that:

All information provided above in items 1 through 8 was completed before I signed this form and is true and correct; I executed this form in the United States after review and evaluation in the United States by me or other officials of this school of the student's application, transcripts or other records of courses taken and proof of financial responsibility which were received at the school prior to the execution of this form; the school has determined that the above-named student's qualifications meet all standards for admission to the school; the student will be required to pursue a full course of study as defined by 8 CFR 214.2(f)(6); I am a designated official of the above-named school and I am authorized to issue this form.

I-20A SCHOOL

Signature of Designated  
School Official

Name of School  
Official (printed  
or typed)

Title

Date Issued

Place Issued  
(City and  
State)

MICROFILM INDEX  
NUMBER  
(FOR OFFICIAL  
USE ONLY)

Authority for collecting the information on this and related student forms is contained in 8 U.S.C. 1101 and 1184. The information solicited will be used by the Department of State and the Immigration and Naturalization Service to determine eligibility for the benefits requested.

PAGE 2

The law provides severe penalties for knowingly and willfully falsifying or concealing a material fact, or using any false document in the submission of this form.

Fill in ONLY the bottom of page 2 and the bottom of page 8 of this form. Remove and keep pages 3, 4, and 8.

**PLEASE READ CAREFULLY, AND BE SURE THAT YOU UNDERSTAND THE FOLLOWING BEFORE SIGNING BELOW.**

**FORM I-20 ID COPY** The first time I enter the United States, I must present a Form I-20 ID copy with this form. I must complete on the Form I-20 ID copy the spaces regarding my name, date of birth, and country of citizenship. It will be returned to me endorsed with my admission number. I must have my Form I-20 ID copy with me at all times. I must not surrender it when I leave the United States. Failure to have it with me if I apply to reenter the United States will delay my entry into the United States. If I lose my Form I-20 ID copy, I must request a new one, on Form I-102, from the Immigration and Naturalization Service office having jurisdiction over the school I was last authorized to attend. My admission number must be included in my request. I understand that the school I was last authorized to attend is required to keep a record of my admission number until the school reports to the Immigration and Naturalization Service that I am no longer attending that school.

**ADMISSION** I must give this form (I-20A and I-20B) to the American consular officer at the time I apply for a visa (unless I am exempt from visa requirements), and to the immigration officer with evidence of my ability to support myself while pursuing a full course of study when I arrive in the United States. If I am exempt from visa requirements, and am applying for admission to the United States as an F-1 student, I must give the immigration officer this form and evidence of my ability to support myself while pursuing a full course of study.

**SCHOOL** If I am applying for entry to the United States for the first time after being issued an F-1 visa, I will not be admitted unless I plan to attend the school specified in that visa. If, before I depart for the United States, I decide to attend another school, I will present an I-20A-B from that school to the issuing consular officer to have that school specified in my visa.

**EMPLOYMENT** I am not permitted to work off-campus or to engage in business unless I have received permission to do so from the Immigration and Naturalization Service. If I require employment, I may apply for permission to work (on Form I-538) accompanied by my Form I-20 ID copy. My application must be based on financial need arising after receiving student status, or the need to obtain practical training. My alien spouse or child (F-2 classification) may not work in the United States.

**PERIOD OF STAY** I am permitted to remain in the United States only while maintaining nonimmigrant student status. I must also maintain a passport which is valid for a period of no less than 6 months, unless I am exempt from passport requirements. I may remain in the United States for duration of status to complete one educational program (e.g. elementary school, bachelor's degree) and any practical training authorized by the Immigration and Naturalization Service plus thirty days. If I wish to pursue another educational program, including another degree at the same level (e.g. a second master's degree), I must apply to the Immigration and Naturalization Service office having jurisdiction over the school I was last authorized to attend (on Form I-538 accompanied by my Form I-20 ID copy) for an extension. To get an extension, I must apply between 15 and 60 days before the date that my authorized stay expires. I may stay while the application is being processed and, if it is approved, until completion of the new educational program and any authorized practical training plus thirty days.

**NOTICE OF ADDRESS** If I move, I must submit a notice within 10 days of my change of address to the Immigration and Naturalization Service. (The form to be used to make the report is available at any United States Immigration and Naturalization Service office.)

**ARRIVAL/DEPARTURE** When I depart from the United States, I must give my "Arrival-Departure Record" (Form I-94) to a representative of the steamship or airline if I leave via a seaport or airport, to a Canadian immigration officer if I leave across the Canadian border, or to a United States immigration officer if I leave across the Mexican border. However, I may keep my I-94 for reentering the United States from Mexico or Canada, or from adjacent islands other than Cuba. If I return to the U.S. within 30 days.

**SCHOOL TRANSFER WITHIN THE SAME EDUCATIONAL PROGRAM** I may remain in the United States only to pursue a full course of study at a specified school. If, after being admitted, I want to transfer to another school within the same educational program, I must give to the

designated official at the school I was last authorized to attend a properly completed Form I-20A-B from the school to which I wish to transfer before I transfer to that school. The designated official at the old school must notify the Immigration and Naturalization Service of my intent to transfer within 30 days of the date I give the official Form I-20A-B from the new school. If the official does not notify me that this has been done, I will be out of status unless I report to the Immigration and Naturalization Service within 40 days of the date I gave the official Form I-20A-B; the official's failure to notify them. Within 30 days of the date I register at the new school, the designated official at that school must endorse my Form I-20 ID copy with the appropriate notation. If I was not pursuing a full course of study at the old school, I am not eligible to transfer in this way.

**SCHOOL TRANSFER TO PURSUE ANOTHER EDUCATIONAL PROGRAM** If I wish to transfer to another school when I apply for an extension to pursue another educational program, a Form I-20A-B completed by the school to which I wish to transfer must be submitted with my application for extension of stay. Sixty days after filing my application, I may transfer to the new school subject to approval or denial of my application. My application will be denied, however, if I have not been taking a full course of study at the school I was last authorized to attend.

**REENTRY** If I want to reenter the United States as a nonimmigrant student after a temporary absence, I must be in possession of the following: (1) a valid student visa, unless I am exempt from visa requirements; (2) a passport valid for at least 6 months, unless I am exempt from passport requirements; (3) my Form I-20 ID copy; and (4) a current copy of Form I-20A and I-20B with evidence of my ability to support myself while pursuing a full course of study. (Only a properly endorsed page 4 of Form I-20A-B is required if I am returning from a temporary absence from the United States, to continue study at the school which I was last authorized to attend unless there has been a change in item(s) 3, 4, 5, and/or 7 on page 1 of my most recent Form I-20A.) If I have been authorized to transfer between schools and am returning to the United States to attend the school to which transfer was authorized as shown on my Form I-20 ID copy, the name of the school I plan to attend does not need to be specified in my visa.

**CHANGE TO NONIMMIGRANT STUDENT STATUS** In order to change to F-1 student status from any other nonimmigrant status, I must submit Form I-20A-B, Form I-506, Application for Change of Nonimmigrant Status, a Form I-20 ID copy with the spaces regarding my name, date of birth and country of citizenship completed, my Form I-94, Arrival-Departure Record (WITHOUT MY PASSPORT) and evidence of my ability to support myself to the Immigration and Naturalization Service.

**PENALTY** If I do not register at the school named in my Form I-20 or if I stop attending school, or take less than a full course of study, or accept unauthorized employment, I fail to maintain my status and may be deported from the United States.

I am financially able to support myself for the entire period of my stay in the United States while pursuing a full course of study, by: \_\_\_\_\_  
(State source and amount of support — Documentary evidence of means of actual support must be attached to this form).

Student Certification

I AUTHORIZE the named school, and any school to which I transfer, to release any information from my records which is needed to determine if I am maintaining the lawful status in which I was admitted to the United States. I further authorize the school to report to the Immigration and Naturalization Service if I fail to register within 80 days of the time expected, to carry a full course of study, or to attend classes to the extent required, or if I become employed and/or terminate attendance at the school. The school is authorized to provide the Service with my name, country of birth, current address, and any other directory information on a regular basis or upon request.

I CERTIFY that all information provided on this form refers specifically to me and is true and correct to the best of my knowledge. I certify that I seek to enter or remain in the United States temporarily, and solely for the purpose of pursuing a full course of study at the school named on Page 1 of this form.

I AGREE to comply with the above terms and with any other conditions of my admission, and those of any extension of stay.

Signature of Student:	Name of Student (printed or typed)	Address (City)	(State or Province)	(Country)	(Date)
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Current U.S. Address:

Number and street (Apt. No.)	City	State	Zip Code
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Signature of Parent or Guardian if Student is under 18 years of age	Name of Parent or Guardian (printed or typed)	(Relationship)	Address (City)	(State or Province)	(Country)	(Date)
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MICROFILM INDEX  
NUMBER  
(FOR OFFICIAL  
USE ONLY)

This page must be completed and signed in the U.S. by a designated school official.

FAMILY NAME (SURNAME)			
FIRST (GIVEN) NAME (do not enter middle name)			
DATE OF BIRTH		COUNTRY OF CITIZENSHIP	
DAY	MO.	YR.	COUNTRY OF BIRTH

School Name
School Official to be notified of student's arrival in U.S. (Name and Title)
School Address (Include Zip Code)

For Immigration Official	
<input type="checkbox"/> REINSTATED, EXTENSION GRANTED TO	
Visa Issuing Post	DATE VISA ISSUED
NUMBER OF VISA	
ADMISSION NUMBER (Complete if known)	

1. This school is approved by the Immigration and Naturalization Service for attendance by nonimmigrant students (fill out all blanks):

School name (School/School District) \_\_\_\_\_

Approval granted on (date) \_\_\_\_\_ School file number (including 3-digit suffix) \_\_\_\_\_ 214F \_\_\_\_\_ \*

2. This certificate is issued to the student named above for (check and fill out as appropriate):

- a. ☐ Initial attendance at this school.  
b. ☐ Continued attendance at this school after a temporary absence from the United States.  
c. ☐ Transfer.  
d. ☐ Use by spouse and/or children in acquiring nonimmigrant F-2 classification.  
e. ☐ Other (specify): \_\_\_\_\_

3. The student named above has been accepted for a full course of study at this institution (complete each of the following):

Majoring in the field of \_\_\_\_\_  
The student is expected to report to the school not later than (date) \_\_\_\_\_, and complete studies not later than (date) \_\_\_\_\_.  
The normal length of the course of study is \_\_\_\_\_.

4. Level of education of course of study student is pursuing or will pursue in the United States (Check only one):

- a. ☐ Primary      c. ☐ Undergraduate      e. ☐ Graduate-Ph D      g. ☐ Other  
b. ☐ High school      d. ☐ Graduate-master's      f. ☐ Language training

5. a. Proficiency in the English language ☐ is required.

1. ☐ The school has determined that the student has the required proficiency.  
2. ☐ If the student is not yet proficient, he or she will be given instruction at the school consisting of: \_\_\_\_\_  
b. Proficiency in the English language is not ☐ required. Explain why not: \_\_\_\_\_

6. This school estimates the student's average costs for an academic term of \_\_\_\_\_ months (up to 12 months) to be the following:

- a. Tuition and fees \$ \_\_\_\_\_  
b. Living expenses \$ \_\_\_\_\_  
c. Expenses of dependent(s): \$ \_\_\_\_\_  
d. Other (specify) \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

7. This school has information showing the following as the student's means of support, estimated for an academic term of \_\_\_\_\_ months up to 12 months (must be the same number of months given in item #6):

- a. Personal funds of the student: \$ \_\_\_\_\_  
b. Family funds from abroad: \$ \_\_\_\_\_  
c. Funds from this school  
(Specify type): \_\_\_\_\_ \$ \_\_\_\_\_  
d. Funds from another source  
(Specify type/source): \_\_\_\_\_ \$ \_\_\_\_\_  
e. On-Campus employment, if applicable: \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

8. Remarks (complete as appropriate): \_\_\_\_\_

I certify under penalty of perjury that:  
All information provided above in items 1 through 8 was completed before I signed this form and is true and correct; I executed this form in the United States after review and evaluation in the United States by me or other officials of this school of the student's application, transcripts or other records of courses taken and proof of financial responsibility which were received at the school prior to the execution of this form; the school has determined that the above-named student's qualifications meet all standards for admission to the school; the student will be required to pursue a full course of study as defined by 8 CFR 214.2(f)(6); I am a designated official of the above-named school and I am authorized to issue this form.

Signature of Designated  
School Official  
Form I-20A-B (Rev 5-1-83)N

Name of School  
Official (printed  
or typed)

Title

Date issued

Place issued  
(City and  
State)

MICROFILM INDEX  
NUMBER  
(FOR OFFICIAL  
USE ONLY)

**PAGE 4**

THE FOLLOWING CERTIFICATIONS ARE NOT VALID FOR MORE THAN ONE YEAR. THIS PAGE, WHEN PROPERLY ENDORSED, MAY BE USED FOR ENTRY OF THE SPOUSE AND CHILDREN OF AN F-1 STUDENT FOLLOWING TO JOIN THE STUDENT IN THE UNITED STATES OR FOR REENTRY OF THE STUDENT TO ATTEND THE SAME SCHOOL AFTER A TEMPORARY ABSENCE FROM THE UNITED STATES. (PLEASE READ INSTRUCTIONS ON PAGE 6)

(For entry of spouse and children)

I certify under penalty of perjury that there has been no change in items 3, 6 or 7 on Page 1 of this form (Form I-20A) and that the information on page 3 is identical to the information on page 1.

Signature of Designated  
School Official

Name of School  
Official (printed  
or typed)

Title

Date

Signature of Designated  
School Official

Name of School  
Official (printed  
or typed)

Title

Date

(For reentry of student)

I certify under penalty of perjury that there has been no change in items 3, 4, 6, or 7 on Page 1 of this form (Form I-20A) and that the information on page 3 is identical to the information on page 1.

Signature of Designated  
School Official

Name of School  
Official (printed  
or typed)

Title

Date

Signature of Designated  
School Official

Name of School  
Official (printed  
or typed)

Title

Date

Signature of Designated  
School Official

Name of School  
Official (printed  
or typed)

Title

Date

Signature of Designated  
School Official

Name of School  
Official (printed  
or typed)

Title

Date

I-20B	FAMILY NAME (SURNAME)		
	FIRST (GIVEN) NAME (do not enter middle name)		
	DATE OF BIRTH DAY MO. YR.		COUNTRY OF CITIZENSHIP
			COUNTRY OF BIRTH
School Name			
School Official to be notified of student's arrival in U.S. (Name and Title)			
School Address (Include Zip Code)			
			ADMISSION NUMBER

**For Immigration Official**  
  
☐ Student admitted to the United States.  
☐ School transfer authorized.  
☐ Student reinstated to student status.  
☐ Alien granted a change of nonimmigrant classification to that of a student

**NOTICE TO THE SCHOOL**

The above-named person was admitted to, or authorized to remain in, the United States, for a temporary period as a nonimmigrant student. This action was taken based on verification from your school that the person has been accepted at your school as a full-time student. You must comply with requests for information concerning the person's immigration status. If you fail to submit any requested reports or information, the Immigration and Naturalization Service may withdraw its approval of your school for attendance by nonimmigrant students.

A student who, on the basis of the recommendation of your school, has been authorized to accept employment for practical training in a field related to his/her course of study is considered to be in attendance at your school during the authorized period of that employment. Therefore, you are responsible for complying with requests for information concerning the immigration status of such a student.

For Designated School Official (check if appropriate):

☐ I submitted Form-I-20A and I-20 Transfer to the Immigration and Naturalization Service on (date) \_\_\_\_\_ to notify them that the above named person indicated the intent to transfer to your school.

\_\_\_\_\_  
Signature of Designated Official  
At School Student was Last Authorized  
to Attend.

\_\_\_\_\_  
Name of School Official  
(Printed or typed)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Name of School

\_\_\_\_\_  
Address of School

**SCHOOL INSTRUCTIONS TO THE SCHOOL**

The law provides severe criminal penalties for you and your school for failure to comply with the regulations and instructions governing issuance of this form.

Failure to comply with 8 CFR 214.3(k) may subject you and your school to criminal prosecution.

If you issue this form improperly, provide false information, or fail to submit required reports, the Immigration and Naturalization Service may withdraw its approval of your school for attendance by nonimmigrant students.

**IT IS YOUR RESPONSIBILITY:**

A. To complete Page 1 (Form I-20A) for any alien you have accepted for a full course of study in your school, if that person:

1. Intends to apply for admission to the United States as a nonimmigrant under Section 101 (a) (15) (F) (i) of the Immigration and Nationality Act (F-1 classification);
2. Is in the United States as an F-1 nonimmigrant and intends to transfer to your school; or
3. Is in the United States and will apply to change his/her nonimmigrant classification to F-1.

B. To endorse Page 4 of this form for any alien you have accepted for a full course of study in your school if that person:

1. Is in the United States in F-1 classification and is departing temporarily from the United States, and there has been no change in the information in items 3,4,6, and/or 7 on Page 1 (Form I-20A). If there has been a change in items 3,4,6, and/or 7 on Page 1, a new Form I-20A-B must be issued for reentry after a temporary absence.

2. Has a spouse or children who wish to join the student in the United States and acquire nonimmigrant (F-2) classification, and there has been no change in the information in items 3,6, and/or 7 on Page 1. If there has been a change in items 3,6 and/or 7 on Page 1, a new Form I-20A-B must be issued (THE ENDORSEMENT ON PAGE 4 IS NOT VALID FOR MORE THAN ONE YEAR).

C. To establish that any student to whom you issue this form:

1. Is able to pay all expenses incurred (and those of any dependents with the student) while in the United States.
2. Meets all requirements for admission to your school. If you want assistance in determining the student's proficiency in English, contact the Cultural Affairs Officer at the Embassy of the student's country.

D. To be sure each Page 1 (Form I-20A) is signed and issued in the United States by a designated school official of your school as defined in 8CFR 214.3(l)(1). A designated school official who may be authorized by the school to issue this form must be a regularly employed member of the school administration, whose office is located at the school and whose compensation does not come from commissions for recruitment of foreign students. A school official who may be authorized to issue this form does not include individuals whose principal obligation to the school is to recruit foreign students for compensation.

E. To remove the carbon sheet and mail or deliver directly to the student all pages of this form.

F. To endorse page 4 of this form at least once a year if the student requests it or mail or deliver directly to the student a new Form I-20A-B for dependents to use in acquiring F-2 nonimmigrant status.

G. To endorse page 4 of this form at least once a year if the student requests it or mail or deliver directly to the student a new Form I-20A-B when the student is leaving the United States for a temporary absence, if the student will be enrolled in your school immediately after reentry.

H. To retain all evidence which shows the scholastic ability and financial status on which admission was based, as long as the student is attending your school.

I. To comply with requests from the Immigration and Naturalization Service for information concerning the student's immigration status.



U.S. Department of Justice

Immigration and Naturalization Service

NAME AND ADDRESS OF APPLICANT/PETITIONER

NAME OF BENEFICIARY

DATE

FILE NO.

FORM NO.

PLEASE COMPLY WITH THE BELOW CHECKED ☒ INSTRUCTIONS.

- ☐ 1. The above application/petition and its supporting documents are attached.
- ☐ 2. The above application/petition and its supporting documents have been forwarded to your attorney or representative.
- ☐ 3. Please complete the blocks on your enclosed application/petition which are checked ☒ in red.
- ☒ 4. Please follow the instructions on your enclosed application/petition which are checked ☒ in red.
- ☐ 5. Furnish the required fee of \$\_\_\_\_\_.
- ☐ 6. Furnish the birth or baptismal certificate of \_\_\_\_\_.
- ☐ 7. Furnish the marriage certificate of \_\_\_\_\_.
- ☐ 8. Furnish proof of death or legal termination of marriage of \_\_\_\_\_.
- ☐ 9. A foreign document must be accompanied by a translation in English. The translator must certify that he/she is competent to translate and that the translation is accurate.
- ☐ 10. Furnish the date and port of each of your entries into the United States and the name of the ship, plane, or other vehicle on which you traveled.
- ☐ 11. Except for aliens with occupations listed under Schedule A, 20 Code of Federal Regulations, Part 656.10, a certification from the Secretary of Labor must be obtained before your petition or application may be resubmitted to this Service. Further information and Department of Labor forms and instructions may be obtained from the local office of the state employment service agencies.
- ☐ 12. You have indicated that you do not intend to seek employment. You must furnish evidence that you have sufficient funds or other means of maintaining yourself in this country.
- ☐ 13. Furnish two (2) color photographs. These photos must have a white background, photos must be glossy, unretouched, and not mounted. Dimension of the facial image should be about 1 inch from chin to top of hair or head, shown in  $\frac{3}{4}$  frontal view of right side of face with right ear visible. Using soft pencil or felt pen, print name (and alien registration receipt number, if known) on the back of each photograph. You should show these instructions to the photographer who takes the pictures.
- ☐ 14. You may now apply for adjustment of status, on the attached forms, for yourself and the below listed persons.
- ☐ 15. Your proof of status documents have been checked and are attached. Your application/petition is being processed and will be completed in the near future.
- ☐ 16. You are granted additional time until \_\_\_\_\_ to submit a brief in support of your appeal, or to present evidence in rebuttal to the proposed visa petition revocation or denial.
- ☐ 17.



U.S. Department of Justice

Immigration and Naturalization Service

NAME AND ADDRESS OF APPLICANT/PETITIONER

NAME OF BENEFICIARY

DATE

FILE NO.

FORM NO.

PLEASE COMPLY WITH THE BELOW CHECKED ☒ INSTRUCTIONS.

- ☐ 1. The above application/petition and its supporting documents are attached.
- ☐ 2. The above application/petition and its supporting documents have been forwarded to your attorney or representative.
- ☐ 3. Please complete the blocks on your enclosed application/petition which are checked ☒ in red.
- ☒ 4. Please follow the instructions on your enclosed application/petition which are checked ☒ in red.
- ☐ 5. Furnish the required fee of \$\_\_\_\_\_.
- ☐ 6. Furnish the birth or baptismal certificate of \_\_\_\_\_.
- ☐ 7. Furnish the marriage certificate of \_\_\_\_\_.
- ☐ 8. Furnish proof of death or legal termination of marriage of \_\_\_\_\_.
- ☐ 9. A foreign document must be accompanied by a translation in English. The translator must certify that he/she is competent to translate and that the translation is accurate.
- ☐ 10. Furnish the date and port of each of your entries into the United States and the name of the ship, plane, or other vehicle on which you traveled.
- ☐ 11. Except for aliens with occupations listed under Schedule A, 20 Code of Federal Regulations, Part 656.10, a certification from the Secretary of Labor must be obtained before your petition or application may be resubmitted to this Service. Further information and Department of Labor forms and instructions may be obtained from the local office of the state employment service agencies.
- ☐ 12. You have indicated that you do not intend to seek employment. You must furnish evidence that you have sufficient funds or other means of maintaining yourself in this country.
- ☐ 13. Furnish two (2) color photographs. These photos must have a white background, photos must be glossy, un-retouched, and not mounted. Dimension of the facial image should be about 1 inch from chin to top of hair or head, shown in  $\frac{3}{4}$  frontal view of right side of face with right ear visible. Using soft pencil or felt pen, print name (and alien registration receipt number, if known) on the back of each photograph. You should show these instructions to the photographer who takes the pictures.
- ☐ 14. You may now apply for adjustment of status, on the attached forms, for yourself and the below listed persons.
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- ☐ 9. A foreign document must be accompanied by a translation in English. The translator must certify that he/she is competent to translate and that the translation is accurate.
- ☐ 10. Furnish the date and port of each of your entries into the United States and the name of the ship, plane, or other vehicle on which you traveled.
- ☐ 11. Except for aliens with occupations listed under Schedule A, 20 Code of Federal Regulations, Part 656.10, a certification from the Secretary of Labor must be obtained before your petition or application may be resubmitted to this Service. Further information and Department of Labor forms and instructions may be obtained from the local office of the state employment service agencies.
- ☐ 12. You have indicated that you do not intend to seek employment. You must furnish evidence that you have sufficient funds or other means of maintaining yourself in this country.
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- ☐ 14. You may now apply for adjustment of status, on the attached forms, for yourself and the below listed persons.
- ☐ 15. Your proof of status documents have been checked and are attached. Your application/petition is being processed and will be completed in the near future.
- ☐ 16. You are granted additional time until \_\_\_\_\_ to submit a brief in support of your appeal, or to present evidence in rebuttal to the proposed visa petition revocation or denial.
- ☐ 17.

U.S. Department of Justice  
Immigration and Naturalization Service (INS)

Application by Lawful Permanent Resident  
for New Alien Registration Receipt Card

OMB # 1115-0004

DO NOT WRITE IN THIS BLOCK

Case ID#	Action Stamp	Fee Stamp			
A#					
G-28 or Volag#					
F/P to FBI (Date)					
I-89 to TCF (Date)	Status Verified	<input type="checkbox"/> CIS <input type="checkbox"/> I-151/I-551	<input type="checkbox"/> A File <input type="checkbox"/> Other	Specify	
	By	Initials	on	Date	Class

1. Name (Family name in CAPS) (First) (Middle)	12. The city you lived in when you applied for your immigrant visa or for adjustment to permanent resident status
2. Address (Number and Street) (Apartment Number)	13. Your destination (city and state) in the U.S. at the time of your original admission.
(Town or City) (State/Country) (ZIP/Postal Code)	14. The consulate where your immigrant visa was issued or the INS office where your status was adjusted to permanent resident.
3. Place of Birth (Town or City) (State/Country)	15. Your port of admission to the U.S. if you entered with an immigrant visa.
4. Date of Birth (Mo/Day/Yr) 5. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	16. The date you were admitted or adjusted to permanent resident status.
6. Name used when admitted as permanent resident (if different from 1.)	17. List the dates of all your absences from the U.S. lasting one year or longer since you became a permanent resident.
7. Social Security Number 8. Alien Registration Number (if any)	
9. Country of Citizenship	
10. Your Mother's First Name 11. Your Father's First Name	

18. Reason for new card (If you check a or b, you must pay \$15.00 to file this form.)

a. ☐ My alien registration receipt card was lost, stolen, destroyed, or mutilated. Explain how the card was lost, stolen, destroyed, or mutilated. (Attach the remainder of the card, if it exists.)

b. ☐ My name has been changed. (Attach the decree of the court or the marriage certificate and your old card.)

c. ☐ I am required to be registered and fingerprinted after my 14th birthday. (Attach your old card. You MUST use the fingerprint card Form FD-258, which you can get from any U.S. Consular or INS office.)

d. ☐ I am an alien commuter taking up permanent residence in the U.S. (Attach your old card.)

e. ☐ I received an incorrect card. (Attach your old card and explain what is wrong with it.)

f. ☐ I never received my card.

g. ☐ Other (Explain)

**Penalties:** You may, by law, be fined up to \$10,000 or imprisoned up to five years, or both, for knowingly and willfully falsifying or concealing a material fact or using any false document in submitting this application.

**Your Certification**

I certify, under penalty of perjury under the laws of the United States of America, that the above information is true and correct. Furthermore, I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine if I am eligible for the benefit that I am seeking.

Signature \_\_\_\_\_ Date \_\_\_\_\_ Phone Number \_\_\_\_\_

**Signature of Person Preparing Form if Other than Above**

I declare that I prepared this document at the request of the person above and that it is based on all information of which I have any knowledge.

(Print Name)	(Address)	(Signature)	(Date)
G-28 ID Number	INITIAL RECEIPT	RESUBMITTED	RELOCATED
Volag Number			Rec'd Sent
			Approved Denied Returned

\_\_\_\_\_

○

○

○

\_\_\_\_\_

\_\_\_\_\_

Instructions

Read the instructions carefully. If you do not follow the instructions, we may have to return your application, which may delay final action.

1. Who can file?

You may file this form only if

- you are a lawful permanent resident of the United States and
- you need a new card.

2. What documents do you need?

- A. If you have your old card, you must give it to INS with this application.
- B. Give the INS two color photographs of yourself taken within 30 days of the date of this application. These photos must have a white background. They must be glossy, un-retouched, and not mounted. The dimension of the facial image must be about 1 inch from the chin to the top of hair; your face should be in 3/4 frontal view, showing the right side of the face with the right ear visible.

Using pencil or felt pen, lightly print your name (and Alien Registration Number, if you know it) on the back of each photograph.

3. How should you prepare this form?

- A. Type or print legibly in ink.
- B. If you need extra space to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.
- C. Answer all questions fully and accurately. If any item does not apply, please write "N/A."

4. Where should you file this form?

- A. If you are in the United States, take this application form **in person** to the INS office having jurisdiction over your place of residence.
- B. If you are outside the United States, take this application form **in person** to the United States consulate or INS office that has jurisdiction over the place where you are now living.

5. What is the fee?

If you check (a) or (b) of item 18 "Reason for New Card," you must pay \$15.00 to file this form. **The fee will not be refunded, whether the application is approved or not.** DO NOT MAIL CASH. All checks or money orders, whether U.S. or foreign, must be payable in U.S. currency at a financial institution in the United States. When a check is drawn on the account of a person other than yourself, write your name on the face of the check. If the check is not honored, INS will charge you \$5.00.

Pay by check or money order in the exact amount. Make the check or money order payable to "Immigration and Naturalization Service." However,

- A. if you live in Guam: Make the check or money order payable to "Treasurer, Guam", or
- B. if you live in the U.S. Virgin Islands: Make the check or money order payable to "Commission of Finance of the Virgin Islands".

6. What are the penalties for submitting false information?

Title 18, United States Code, Section 1001 states that whoever willfully and knowingly falsifies a material fact, makes a false statement, or makes use of a false document will be fined up to \$10,000 or imprisoned up to five years, or both.

7. What is our authority for collecting this information?

We request the information on this form to carry out the immigration laws contained in Title 8, United States Code 1304(c). We need this information to determine whether a person is eligible for immigration benefits. The information you provide may also be disclosed to other federal, state, local, and foreign law enforcement and regulatory agencies during the course of the investigation required by this Service. You do not have to give this information. However, if you refuse to give some or all of it, your application may be denied.

06-1

It is not possible to cover all the conditions for eligibility or to give instructions for every situation. If you have carefully read all the instructions and still have questions, please contact your nearest INS office.



U.S. Department of Justice  
Immigration and Naturalization Service

**PETITION TO CLASSIFY NONIMMIGRANT  
AS TEMPORARY WORKER OR TRAINEE**

(PLEASE TEAR OFF THIS SHEET BEFORE SUBMITTING PETITION)

**INSTRUCTIONS**

**READ INSTRUCTIONS CAREFULLY. FEE WILL NOT BE REFUNDED.**  
Failure to comply with instructions may make it necessary to reject your petition.

**General**

This petition must be filed in duplicate. (The alien spouse and minor children of the beneficiary of an approved petition are automatically entitled to the same non-immigrant classification he/she has been accorded if accompanying him/her or following to join him/her. No petitions for them are required.)

All supporting documents must be submitted in original and one copy. If the return of the original is desired, submit two copies with the original and request that the original be returned to you after an immigration officer has compared it with the copies. Copies in duplicate unaccompanied by the original may be accepted if one of the copies bears a certification by an immigration or consular officer or an attorney that the copy was compared with the original and found to be identical.

Any document in a foreign language must be accompanied by a translation in English. The translator must certify that he/she is competent to translate and that the translation is accurate.

**Fee**

A fee of thirty-five dollars (\$35) must be paid for filing this petition. It cannot be refunded regardless of the action taken on the petition. **DO NOT MAIL CASH. ALL FEES MUST BE SUBMITTED IN THE EXACT AMOUNT.** Payment by check or money order must be drawn on a bank or other institution located in the United States and be payable in United States currency. If petitioner resides in Guam, check or money order must be payable to the "Treasurer, Guam." If petitioner resides in the Virgin Islands, check or money order must be payable to the "Commissioner of Finance of the Virgin Islands." All other petitioners must make the check or money order payable to the "Immigration and Naturalization Service." When check is drawn on account of a person other than the petitioner, the name of the petitioner must be entered on the face of the check. If petition is submitted from outside the United States, remittance may be made by bank international money order or foreign draft drawn on a financial institution in the United States and payable to the "Immigration and Naturalization Service" in United States currency. Personal checks are accepted subject to collectibility. An uncollectible check will render the petition and any document issued pursuant thereto invalid. A charge of \$5.00 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn.

**Where to file petition**

The petition must be filed with the office of the Immigration and Naturalization Service having jurisdiction over

the area in which the services will be performed or the training received. Where the services will be performed or the training will be received in more than one area, the petition must be filed in an office of this Service having jurisdiction over at least one of those areas.

In the case of an L-1 blanket petition, the petition must be filed at the petitioner's main office.

More than one H beneficiary may be included in one petition where the beneficiaries will all be performing services in a single operation or receiving the same type of training and, if visas are required, will all be applying for their visas at the same American Consulate and will all be performing the services or receiving the training within the same immigration district. Separate petitions must be filed where the beneficiaries will be performing services in different operations or will not be receiving the same type of training or, if visas are required, will be applying for visas at different American Consulates or will perform the services or receive the training in different immigration districts.

A separate petition must be filed for each L-1 alien, except in the case of an L-1 blanket petition.

**H-1 Petition for alien(s) of distinguished merit and ability to perform services of an exceptional nature** (Also see special instructions for nurses and physicians)

If petition is for an alien or aliens of distinguished merit and ability, the following supplemental documents must be attached:

High education or technical training shall be supported by diplomas, school certificates, or equivalent documents or affidavits, attesting to such education or technical training and executed by the person in charge of the records of the educational or other institution, firm, or establishment wherein such education or training was acquired, improved, or perfected.

Specialized experience or exceptional ability shall be supported by affidavits attesting to and describing the degree and extent of the experience or ability, executed by the appropriate officer of the firm, organization, establishment, or other institution wherein the alien(s) acquired or perfected such experience or ability.

Copies of written contracts or summaries of oral contracts between petitioner and beneficiaries must be attached.

**H-2 Petition for alien(s) to perform temporary service or labor**

If petition is for an alien or aliens to perform temporary services or labor, the following supplemental documents must be attached:

A certification from the Department of Labor indicating that qualified applicants in the United States are not available for referral to the employer and that employment of the alien(s) will not adversely affect wages and working conditions of workers in the United States similarly employed, or a notice from the Department of Labor that such certification cannot be made; also, a statement containing a full and complete and detailed description of the situations or conditions which make it necessary to bring the alien or aliens to the United States, whether the necessity is temporary, seasonal, or permanent and, if temporary or seasonal, whether it is expected to recur.

To apply for the certification, the petitioner must place a job order with the local office of the state Employment Service serving the area of proposed employment. In order that the Department of Labor may make a determination as to the availability of qualified applicants in the United States, the order must accurately report the occupational requirements of the job. If local and inter-area recruitment of qualified workers in the United States proves unsuccessful, copies of the certification are furnished to the petitioner through the local Employment Service office where the job order was filed.

If more than one certification is issued by the Department of Labor, a separate petition must be filed for the aliens covered by each certification.

Employers of agriculture workers may be requested to enter into a written agreement in lieu of posting a bond.

### **H-3 Petition for alien trainee(s)** (Also see special instructions for nursing trainees)

If petition is for one or more alien trainees, there must be attached a statement describing the kind of training to be given the alien and setting out the proportion of time that will be devoted to productive employment, the number of hours that will be spent respectively in his classroom instruction, in on-the-job training, and in his/her performance without supervision; the position or duties for which this training will prepare him/her; the reason why such training cannot be obtained in the alien's country, and, if you answered "yes" to item 25A, why it is necessary for alien to take training in the United States.

If this petition is approved, the approval does not signify that the wages shown in item 8 of the petition meet the minimum wage requirements of any state or federal laws. Any questions regarding compliance with those requirements should be addressed to the appropriate state or federal labor authorities.

### **Physicians and nurses**

In the case of an H-1 petition for a physician or nurse or an H-3 petition for a nurse, the additional documents are required:

1. Evidence that the beneficiary has obtained a full and unrestricted license to practice medicine or nursing in the country where he/she obtained medical or nursing education (Not required if evidence is submitted showing that the beneficiary's education was obtained in the United States or that he/she is a physician who passed

the examination given by the Educational Council for Foreign Medical Graduates.) and

2. A statement from the petitioner if required by petitioner's answer to item 24 on Form I-129B.
3. In the case of an H-1 petition for a nurse, evidence that the beneficiary has a full and unrestricted license to practice professional nursing in the State where services are to be performed or a passing score on the examination administered by the Commission on Graduates of Foreign Nursing Schools.

### **L-1 Petition for intra-company transferee (Individual Petition)**

If petition is for an L-1 alien, attach a statement describing the capacity in which he/she was employed abroad and the capacity in which he/she is to be employed in the U.S. If the alien's services involve specialized knowledge, describe briefly the nature of the specialized knowledge which makes his/her services here necessary. If the beneficiary is coming to be employed in an establishment being newly opened in the United States by his/her employer, or by the parent company, a subsidiary, or an affiliate of the employer, the statement shall include information concerning the new establishment such as its nature, relationship to the petitioning firm or corporation, its name and address, when it was or will be opened at that address, when and where it was incorporated (if it is a corporation), and the total number of employees who will be employed there. Evidence must also be submitted that physical premises for the new establishment have been acquired by purchase, lease, or rental and will be occupied by that establishment.

### **L-1 Petition for intra-company transferee (Blanket Petition)**

Attach evidence that at least 5 managerial or executive beneficiaries have been transferred to the United States in the last 12 months. Evidence of corporate interrelationships of all foreign and domestic entities which the petitioner identifies in the petition. The petitioner must also list all positions to which its executive or managers may be assigned. If the organization will identify more than 10 positions the petitioner may furnish a description of its personnel structure and identify the level above which it will or may seek to transfer managers and executives. To amend an approved blanket petition a new I-129B is filed with evidence supporting only the change.

### **Extension of visa petition validity**

This petition form shall be used as an application for an extension of the validity of a visa petition pursuant to the approval of a previous petition by the same petitioner. It may be filed concurrently with form I-539 for an extension of stay of an individual beneficiary. Supporting documents are not required if all relationships remain the same.

### **Penalties**

Severe penalties are provided by law for knowingly and willfully falsifying or concealing a material fact or using any false document in the submission of this petition.

PETITION TO CLASSIFY NONIMMIGRANT  
AS TEMPORARY WORKER OR TRAINEE

To be submitted in duplicate, with supplementary documents described in instructions, to the District Director having administrative jurisdiction over the place in the United States in which it is intended the alien(s) be employed or trained. L-1 blanket petition must be submitted to the District Director having jurisdiction over petitioner's main office.)

Date Filed

Fee Stamp

File No.

(THIS BLOCK NOT TO BE FILLED OUT BY PETITIONER)

The Secretary of State is hereby notified that the alien(s) for whom this petition was filed is (are) entitled to the nonimmigrant status checked below:

- ☐ H-1      ☐ H-3  
☐ H-2      ☐ L-1  
☐ L-1 (blanket petition)

This petition is  
valid to \_\_\_\_\_  
The admission of the alien(s) may be  
authorized to the above date.

DATE  
OF  
ACTION  
DD

REMARKS:

DISTRICT

☐ NEW PETITION

☐ PETITION EXTENSION

☐ AMENDED BLANKET PETITION

I hereby petition, pursuant to the provisions of section 214(c) on the immigration and Nationality Act, for the following: (Check one.)

- H-1 ☐ Alien(s) of distinguished merit and ability to perform services of an exceptional nature requiring such merit and ability.  
H-2 ☐ Alien(s) to perform temporary service or labor for which a bona fide need exists. (One who is to perform duties which are themselves temporary in nature.)  
H-3 ☐ Alien trainee(s). (One who seeks to enter at the invitation of an individual, organization, firm, or other trainer for the purpose of receiving training in any field of endeavor. Incidental production necessary to the training is permitted provided a United States worker is not thereby displaced.)  
L-1 ☐ Intra-company transferee. (One who has been employed abroad continuously for one year and who seeks to enter in order to continue to render services to the same employer or a subsidiary or affiliate thereof in a managerial or executive capacity or in a capacity which involves specialized knowledge.)  
L-1 ☐ Intra-company transferee blanket petition. (A petitioner who had 5 executive or managerial L-1 petitions approved within the last year, and desires to bring into the United States employees who have been employed abroad continuously for one year who will continue to render services to the same employer or a subsidiary or affiliate thereof in a managerial or executive capacity.)

1. NAME OF PETITIONER		2. DATE BUSINESS ESTABLISHED	
3. ADDRESS (NUMBER, STREET, CITY, STATE, ZIP CODE)		TELEPHONE NUMBER	
4. DESCRIPTION OF PETITIONER'S BUSINESS, INCLUDING ITS NATURE, NUMBER OF EMPLOYEES, AND GROSS ANNUAL INCOME			
5. LOCATION OF AMERICAN CONSULATE AT WHICH ALIEN(S) WILL APPLY FOR VISA(S): (Not required for L-1 blanket petition)			
(City in Foreign Country)		(Foreign Country)	
(If petition is for more than one H alien and application for visas will be made at more than one American Consulate, a separate petition must be submitted for each consulate at which H visa applications will be made. Separate petition must be filed for each L-1 alien.)			
6. THE ALIEN(S) WILL PERFORM SERVICES OR LABOR FOR OR RECEIVE TRAINING FROM THE FOLLOWING ESTABLISHMENT IN THE U.S.: (Name of Establishment) (If L-1 blanket petition items 6-11 not applicable, show N/A)			
(Street and Number)		(City or Town)	(State)
(Zip Code)			
Attach list or itinerary if services will be performed at more than one location.			
7. PERIOD REQUIRED TO COMPLETE SERVICES OR TRAINING		8. WAGES PER WEEK	9A. HOURS PER WEEK
From (date)	To (date)	No. of days or months	
10. OTHER COMPENSATION (Explain)		10A. VALUED AT \$	11. BY WHOM PAID?
		WEEKLY	

Form I-129B (Rev 7-1-83)N

RECEIVED	TRANS. IN	RET'D-TRANS. OUT	COMPLETED

QUESTIONS 12A THRU 32 NEED NOT BE COMPLETED TO FILE EXTENSION OF VISA PETITION VALIDITY WITH CONCURRENTLY FILED I-539 APPLICATION FOR EXTENSION OF STAY.  
**ALL NEW PETITIONERS COMPLETE ITEMS 12A THROUGH 22, except L-1 blanket petitioners.** If petition is for more than one H alien, give required information for each additional alien in space provided on page 3. If the identity of the H aliens is not known at present, you must furnish information concerning them as soon as that information becomes known to you.

12A. ALIEN'S NAME (Family name in capital letters)		(First name)	(Middle name)
12B. OTHER NAMES (Show all other past and present names, including maiden name if married woman.)		12C. NUMBER OF ALIENS INCLUDED IN THIS PETITION	
13. ADDRESS TO WHICH ALIEN WILL RETURN		(Street and Number)	(City) (Province) (Country)
14. PRESENT ADDRESS		15. PROPOSED PORT OF ENTRY	
16. DATE OF BIRTH	17. PLACE OF BIRTH	18. PRESENT NATIONALITY OR CITIZENSHIP	19. PRESENT OCCUPATION
20. HAS AN IMMIGRANT VISA PETITION OR APPLICATION FOR PERMANENT LABOR CERTIFICATION EVER BEEN FILED ON THE ALIEN'S BEHALF? <input type="checkbox"/> YES <input type="checkbox"/> NO If "Yes", where was it filed?			
21. HAS THE ALIEN EVER APPLIED FOR AN IMMIGRANT VISA OR PERMANENT RESIDENCE IN THE U.S.? <input type="checkbox"/> YES <input type="checkbox"/> NO If "Yes", where did he apply?			
22. TO YOUR KNOWLEDGE, HAS ANY VISA PETITION FILED BY YOU OR ANY OTHER PERSON OR ORGANIZATION FOR THE NAMED ALIEN(S) BEEN DENIED? <input type="checkbox"/> YES <input type="checkbox"/> NO If you answered "yes", complete the following: Date of filing of each denied petition _____ Place of filing of each denied petition (city) _____ TO YOUR KNOWLEDGE, HAVE ANY OF THE NAMED ALIEN(S) EVER BEEN IN THE U.S.? <input type="checkbox"/> YES <input type="checkbox"/> NO (If "yes" identify each on Page 3)			
23. NONTECHNICAL DESCRIPTION OF SERVICES TO BE PERFORMED BY OR TRAINING TO BE RECEIVED BY ALIEN(S) (THIS BLOCK NEED NOT BE COMPLETED IF PETITION IS FOR H-2 WORKERS)			
24. IS THE BENEFICIARY FULLY QUALIFIED UNDER THE GOVERNING LAWS IN YOUR JURISDICTION TO PERFORM THE DESIRED SERVICES (OR TO RECEIVE THE DESIRED TRAINING) AND ARE YOU AUTHORIZED TO EMPLOY THE BENEFICIARY TO SUBSTANTIALLY PERFORM SUCH SERVICES? <input type="checkbox"/> YES <input type="checkbox"/> NO (If "NO" or if beneficiary will be restricted in performance of services, please explain in detail on separate statement.)			
25. (If you are petitioning for a trainee, complete this block) A. IS SIMILAR TRAINING AVAILABLE IN ALIEN'S COUNTRY? <input type="checkbox"/> YES <input type="checkbox"/> NO B. WOULD ALIEN'S TRAINING RESULT IN DISPLACEMENT OF UNITED STATES WORKER? <input type="checkbox"/> YES <input type="checkbox"/> NO C. WILL YOU USE THE ALIENS TO OVERCOME A LABOR SHORTAGE? <input type="checkbox"/> YES <input type="checkbox"/> NO			
26. (If you are petitioning for an L-1 alien, complete this block.) (Check appropriate boxes.) (Does not apply to L-1 blanket petition) a. The alien has been employed in an <input type="checkbox"/> executive; <input type="checkbox"/> managerial capacity; <input type="checkbox"/> in a capacity which involves specialized knowledge by _____ since _____ (name and address of employer) (date) b. The petitioner is <input type="checkbox"/> the same employer <input type="checkbox"/> subsidiary <input type="checkbox"/> an affiliate of the employer abroad.			
FILL IN ITEMS 27 THROUGH 31 INCLUSIVE ONLY IF PETITION IS FOR H-2 ALIEN(S)			
27. DESCRIPTIVE JOB TITLE OF WORK TO BE PERFORMED BY ALIEN(S) (Enter title which was used by the Department of Labor in processing labor certification application.)			
28. IS (ARE) ALIEN(S) SKILLED IN WORK TO BE PERFORMED? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN			
29. IS ANY LABOR ORGANIZATION ACTIVE IN THE LABOR FIELD(S) SPECIFIED IN ITEM 27? <input type="checkbox"/> YES <input type="checkbox"/> NO (If "yes", specify organization(s) and labor field(s).)			
30. IS THE PETITIONER INVOLVED IN, OR ARE THERE THREATENED, ANY LABOR RELATIONS DIFFICULTIES, INCLUDING STRIKES OR LOCKOUTS? (Specify)			
31. I HAVE NOT BEEN ABLE TO FIND IN THE UNITED STATES ANY UNEMPLOYED PERSON(S) CAPABLE OF PERFORMING THE DUTIES OF THE POSITION(S) TO BE FILLED. THE FOLLOWING EFFORTS HAVE BEEN MADE TO FIND SUCH PERSON(S). (Complete only if labor certification not attached.)			
32. If petition is for extension the petitioner must certify that all data from the previously approved petition remains the same. <input type="checkbox"/> YES <input type="checkbox"/> NO			

ALL PETITIONERS MUST FILL IN ITEMS 33 & 34B.



Petition for Alien Fiancé(e)

OMB No. 1115-0054

DO NOT WRITE IN THIS BLOCK		
Case ID#	Action Stamp	Fee Stamp
A#		
G-28 or Volag#		
The petition is approved for status under Section 101(a)(15)(K). It is valid for four months from date of action.		AMCON: _____ <input type="checkbox"/> Personal Interview <input type="checkbox"/> Previously Forwarded <input type="checkbox"/> Document Check <input type="checkbox"/> Field Investigations
REMARKS:		

A. Information about you

1. Name (Family name in CAPS)	(First)	(Middle)
2. Address (Number and Street) (Apartment Number)		
(Town or City)	(State/Country)	(ZIP/Postal Code)
3. Place of Birth (Town or City) (State/Country)		
4. Date of Birth (Mo/Day/Yr)	5. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	6. Marital Status <input type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced
7. Other Names Used (including maiden name)		
8. Social Security Number	9. Alien Registration Number (if any)	
10. Names of Prior Husbands/Wives 11. Date(s) Marriage(s) Ended		

12. If you are a U.S. citizen, complete the following:  
My citizenship was acquired through (check one)  
☐ Birth in the U.S.  
☐ Naturalization  
Give number of certificate, date and place it was issued

☐ Parents  
Have you obtained a certificate of citizenship in your own name?  
☐ Yes ☐ No  
If "Yes", give number of certificate, date and place it was issued

13. Have you ever filed for this or any other alien fiancé(e) or husband/wife before?  
☐ Yes ☐ No  
If you checked "yes," give name of alien, place and date of filing, and result.

B. Information about your alien fiancé(e)

1. Name (Family name in CAPS)	(First)	(Middle)
2. Address (Number and Street) (Apartment Number)		
(Town or City)	(State/Country)	(ZIP/Postal Code)
3. Place of Birth (Town or City) (State/Country)		
4. Date of Birth (Mo/Day/Yr)	5. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	6. Marital Status <input type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced
7. Other Names Used (including maiden name)		
8. Social Security Number	9. Alien Registration Number (if any)	
10. Names of Prior Husbands/Wives 11. Date(s) Marriage(s) Ended		

12. Has your fiancé(e) ever been in the U.S.?  
☐ Yes ☐ No

13. If your fiancé(e) is currently in the U.S., complete the following:  
He or she last arrived as a (visitor, student, exchange alien, crewman, stowaway, temporary worker, without inspection, etc.)

Arrival/Departure Record (I-94) Number \_\_\_\_\_ Date arrived (Month/Day/Year) \_\_\_\_\_

Date authorized stay expired, or will expire, as shown on Form I-94 or I-95 \_\_\_\_\_

INITIAL RECEIPT	RESUBMITTED	RELOCATED		COMPLETED		
		Rec'd	Sent	Approved	Denied	Returned

**B. (Continued) Information about your alien fiancé(e)**

14. List all children of your alien fiancé(e) (if any)

Name	Date of Birth	Country of Birth	Present Address
------	---------------	------------------	-----------------

15. Address in the United States where your fiancé(e) intends to live

(Number and Street)	(Town or City)	(State)
---------------------	----------------	---------

16. Your fiancé(e)'s address abroad

(Number and Street)	(Town or City)	(Province)	(Country)
---------------------	----------------	------------	-----------

17. If your fiancé(e)'s native alphabet is other than Roman letters, write his/her name and address abroad in the native alphabet:

(Name)	(Number and Street)	(Town or City)	(Province)	(Country)
--------	---------------------	----------------	------------	-----------

18. Your fiancé(e) is related to you. ☐ Yes ☐ No

If you are related, state the nature and degree of relationship, e.g., third cousin or maternal uncle, etc.

19. Your fiancé(e) has met and seen you. ☐ Yes ☐ No

Describe the circumstances under which you met. If you have not met and seen each other in person, explain how the relationship was established between you. If you need extra space to answer, attach a continuation sheet, indicate the item number, and date and sign the sheet.

20. Your fiancé(e) will apply for a visa abroad at the American Consulate in \_\_\_\_\_

(City)	(Country)
--------	-----------

**C. Other information**

If you are serving overseas in the armed forces of the United States, please answer the following:

I presently reside or am stationed overseas and my current mailing address is \_\_\_\_\_

I plan to return to the United States on or about \_\_\_\_\_

**Penalties:** You may, by law, be fined up to \$10,000 or imprisoned up to five years, or both, for knowingly and willfully falsifying or concealing a material fact or using any false document in submitting this petition.

**Your Certification**

I am legally able to and intend to marry my alien fiancé(e) within 90 days of his/her arrival in the United States. I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit that I am seeking.

Signature \_\_\_\_\_ Date \_\_\_\_\_ Phone Number \_\_\_\_\_

**Signature of Person Preparing Form if Other than Above**

I declare that I prepared this document at the request of the person above and that it is based on all information of which I have any knowledge.

(Print Name)	(Address)	(Signature)	(Date)
--------------	-----------	-------------	--------

G-28 ID Number \_\_\_\_\_

U.S. GOVERNMENT PRINTING OFFICE : 1986 O - 168-158

Volag Number \_\_\_\_\_

## Petition for Alien Fiancé(e)

### Instructions

**Read the instructions carefully. If you do not follow the instructions, we may have to return your petition, which may delay final action.**

#### 1. Who can file?

You may file this form to have a visa issued for your alien fiancé(e) if:

- A. You are a United States citizen, and
- B. You and your fiancé(e) are both free to marry, and
- C. You and your fiancé(e) intend to marry within 90 days of your fiancé(e) entering the United States.

**NOTE:** Unmarried children of your fiancé(e) who are under 21 years old and are listed on this form will be allowed to accompany your fiancé(e).

#### 2. What documents do you need?

You must give INS certain documents with this form to show you are eligible to file.

- A. For each document needed, give INS the original and one copy. However, because it is against the law to copy a Certificate of Naturalization or a Certificate of Citizenship, give INS the original only. **Originals will be returned to you.**
- B. If you do not wish to give the original document, you may give INS a copy. The copy must be certified by:
  - (1) an INS or U.S. consular officer, or
  - (2) an attorney admitted to practice law in the United States, or
  - (3) an INS accredited representative (INS still may require originals).
- C. Documents in a foreign language must be accompanied by a complete English translation. The translator must certify that the translation is accurate and that he or she is competent to translate.

#### 3. What documents do you need to show you are a United States citizen?

- A. If you were born in the United States, give INS your birth certificate.
- B. If you were naturalized, give INS your original Certificate of Naturalization.
- C. If you were born outside the United States, and you are a U.S. citizen through your parents, give INS:
  - (1) your original Certificate of Citizenship, or
  - (2) your Form FS-240 (Report of Birth Abroad of a United States Citizen).
- D. In place of any of the above, you may give INS your valid unexpired U.S. passport that was initially issued for at least 5 years.
- E. If you do not have any of the above and were born in the United States, see the instructions under 6, below, "What if a document is not available?"

#### 4. What documents do you need to prove you can legally marry?

You must prove that you can legally marry your fiancé(e).

- A. If either of you is of an age that requires special consent or permission for you to marry in the jurisdiction in which your marriage will occur, give proof of that consent or permission.
- B. If either of you has been previously married, give INS documents to show that all previous marriages were legally ended. In cases where the names shown on the supporting documents have changed, give INS legal documents to show how the name change occurred (for example, a marriage certificate, adoption decree, court order, etc.).

#### 5. What other documents do you need?

- A. Give INS a color photo of you and one of your fiancé(e), taken within 30 days of the date of this petition. These photos must have a white background. They must be glossy, un-retouched, and not mounted. The dimension of the facial image should be about 1 inch from chin to top of hair in 3/4 frontal view, showing the right side of the face with the right ear visible. Using pencil or felt pen, lightly print name (and Allen Registration Number, if known) on the back of each photograph.
- B. Give a completed and signed Form G-325A (Biographic Information) for you and one for your fiancé(e). Except for name and signature, you do not have to repeat on the Biographic Information forms the information given on your I-129F petition.

#### 6. What if a document is not available?

If the documents needed above are not available, you can give INS the following instead. (INS may require a statement from the appropriate civil authority certifying that the needed document is not available.)

- A. Church record: A certificate under the seal of the church where the baptism, dedication, or comparable rite occurred within two months after birth, showing the date and place of child's birth, the date of the religious ceremony, and the names of the child's parents.
- B. School record: A letter from the authorities of the school attended (preferably the first school), showing the date of admission to the school, child's date and place of birth, and the names and places of birth of parents, if shown in the school records.
- C. Census record: State or federal census record showing the name, place of birth, and date of birth or the age of the person listed.

I-129F

D. Affidavits: Written statements sworn to or affirmed by two persons who were living at the time, and who have personal knowledge of the event you are trying to prove; for example, the date and place of birth, marriage, or death. The persons making the affidavits need not be citizens of the United States. Each affidavit should contain the following information regarding the person making the affidavit: his or her full name, address, date and place of birth, and his or her relationship to you, if any; full information concerning the event; and complete details concerning how the person acquired knowledge of the event.

**7. How should you prepare this form?**

- A. Type or print legibly in ink.
- B. If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.
- C. Answer all questions fully and accurately. If any item does not apply, please write "N/A"

**8. Where should you file this form?**

- A. If you live in the United States, send or take the form to the INS office that has jurisdiction over where you live.
- B. If you live outside the United States, contact the nearest American Consulate to find out where to send or take the completed form.

**9. What is the fee?**

You must pay \$35.00 to file this form. **The fee will not be refunded, whether the petition is approved or not.** DO NOT MAIL CASH. All checks or money orders, whether U.S. or foreign, must be payable in U.S. currency at a financial institution in the United States. When a check is drawn on the account of a person other than yourself, write your name on the face of the check. If the check is not honored, INS will charge you \$5.00.

Pay by check or money order in the exact amount. Make the check or money order payable to "Immigration and Naturalization Service." However,

- A. if you live in Guam: Make the check or money order payable to "Treasurer, Guam", or
- B. if you live in the U.S. Virgin Islands: Make the check or money order payable to "Commissioner of Finance of the Virgin Islands"

**10. How does your fiancé(e) get his/her permanent resident status?**

Your alien fiancé(e) becomes eligible for permanent residence when you have a valid marriage to each other performed within 90 days of your fiancé(e)'s entry into the United States. Your new husband or wife should apply promptly to the Immigration and Naturalization Service for permanent residence, using Form I-485.

**11. What are the penalties for submitting false information?**

Title 18, United States Code, Section 1001 states that whoever willfully and knowingly falsifies a material fact, makes a false statement, or makes use of a false document will be fined up to \$10,000 or imprisoned up to five years, or both.

**12. What is our authority for collecting this information?**

We request the information on this form to carry out the immigration laws contained in Title 8, United States Code 1184(d). We need this information to determine whether a person is eligible for immigration benefits. The information you provide may also be disclosed to other federal, state, local, and foreign law enforcement and regulatory agencies during the course of the investigation required by this Service. You do not have to give this information. However, if you refuse to give some or all of it, your petition may be denied.

**It is not possible to cover all the conditions for eligibility or to give instructions for every situation. If you have carefully read all the instructions and still have questions, please contact your nearest INS office.**

DO NOT WRITE IN THIS BLOCK

Case ID #	Action Stamp	Fee Stamp
A #		
G-28 or Volage #		
Petition Validity Period		AMCON/POE Remarks

A. Information about this petition

1. This petition is being filed for (check one)

- ☐ Managerial Capacity  
☐ Executive Capacity  
☐ Specialized Knowledge Capacity

2. This petition is a (check appropriate boxes)

- ☐ New Petition      ☐ Individual  
☐ Amended Petition      ☐ Blanket

B. Information about employer

1. Company Name

2. Address (Number and Street)

(Town or City) (State/Country) ZIP/Postal Code

3. Address where employee will work (if different)

4. IRS Employer ID Number

5. Date established and number of employees

6. Gross and Net annual income

7. Number of transfers to U.S. in past 12 months

Managers Executives Specialized Knowledge

8. Description of business (nature)

9. Have you filed an immigrant visa petition or application for permanent labor certification in the alien's behalf?

☐ No      ☐ Yes (if Yes, explain)

10. Have you filed any other nonimmigrant visa petition(s) on behalf of the beneficiary?

☐ No      ☐ Yes (if Yes, explain)

D. Information about the position offered

1. Job Title

Wages per week

Hours per week

Overtime rate

2. Other compensation (explain)

Valued at (dollars per week)

Dates of intended employment (Month/Day/Year)

From:

To:

3. Give a nontechnical description of the services the prospective employee is to perform.

I-129L

Form I-129 L (01/14/87)

Initial Receipt	Resubmitted	Relocated		Completed		
		Received	Sent	Approved	Denied	Returned

**E. Information about the alien's employment**

1. Name and address of alien's employer abroad.

2. Dates of employment with this employer. Explain any interruptions in employment.

3. Describe alien's job duties for the immediate prior year.

4. Summarize alien's education and other work experience.

**F. Relationship between entities**

1. The U.S. entity is, to the company abroad (check one);

☐ The parent

☐ A branch

☐ A subsidiary

☐ An affiliate

☐ A 50/50 joint venture

2. Describe stock ownership and managerial control of each entity.

3. Describe the entity abroad (nature of business, date established, product or service, number of employees, and gross annual income).

**G. Employee's present status** (Check the appropriate box below and give the information required for the box you checked.)

☐ 1. Prospective employee is outside the United States and will apply for a visa abroad at the following American Consulate;

(Name City and Country)

☐ 2. Prospective employee is exempt from the nonimmigrant visa requirement and will apply for admission at the following U.S. port of entry;

(Provide City and State)

☐ 3. Prospective employee is in the United States and is applying for change of nonimmigrant status. Form I-506 is attached.

☐ 4. Employee is in the United States and is applying for an extension. Form I-539 is attached for each employee.

**Penalties:** You may, by law, be fined up to \$10,000 or imprisoned up to five year, or both, for knowingly and willfully falsifying or concealing a material fact or using any false document in submitting this petition.

**Your Certification:** I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information from my records which the Immigration Service needs to determine eligibility for the benefit that I am seeking.

Name (Type or print)

Title

Signature

Date

Phone Number

**Certification of Person Preparing Form if Other than Above:**

I declare that I prepared this document at the request of the person above and that it is based on all information of which I have any knowledge.

Name (Type or print)

Address

Signature

Date

G-28 ID Number

Volag Number

Petition to Employ Intracompany Transferee

Instructions

Please read these instructions carefully.

If you do not follow the instructions, we may have to return your petition which may delay final action.

General Information

As a United States or foreign employer, you may use this form (I-129L petition) to apply for L-1 nonimmigrant classification for a foreign employee to come temporarily to the United States as an intracompany transferee to continue employment with your organization or with a parent, branch, subsidiary, or affiliate of your organization if:

- There is a qualifying relationship between your organization and the organization which employs the prospective employee;
- the employee has been employed abroad continuously for the immediate prior year by your organization or a parent, branch, or subsidiary of your organization;
- the employee's employment for the previous year was and intended employment in the U.S. will be in a managerial, executive, or specialized knowledge capacity; and
- the L classification is not being requested for the principal purpose of enabling the employee to enter the United States permanently in advance of a visa number.

What are the types of L petitions?

- A. Individual - A petition to classify a foreign employee as an intracompany transferee to transfer temporarily to a qualifying organization in the United States from a qualifying organization abroad.
- B. Blanket - A single petition to request advance approval of an organization, its parent, branches, subsidiaries and affiliates as qualifying organizations under section 101 (a) (15) (L) and, later, classification as intracompany transferees of multiple numbers of aliens employed by these entities as managers, executives, or specialized knowledge professionals.

What requirements apply to documents?

- A. You must give INS certain documents with this form about the relationship between the organizations and about the prospective employee's employment. Submit an original and one copy of this form and each document. *Originals will be returned to you.*

- B. If you do not wish to give INS the original document, you may give INS a copy. The copy must be certified by:

- 1) an INS or U.S. consular officer, or
- 2) an attorney admitted to practice law in the United States, or
- 3) an INS accredited representative (INS may still require originals).

- C. Documents in a foreign language must be accompanied by a complete English translation. The translator must certify that the translation is accurate and that he or she is competent to translate.

What documents do you need with an individual petition?

- A. Evidence of the qualifying relationship between the U.S. and foreign employer based on ownership and control, such as annual report, statement from organization's president or corporate secretary, articles of incorporation, and financial statements.

- B. Letter from the prospective employee's employer abroad detailing his/her dates of employment, job duties, qualifications, and salary for at least the previous year.

- C. If the petition indicates that the beneficiary is coming to open a new office in the United States, evidence that:

- 1) sufficient physical premises to house the new office have been secured;
- 2) the beneficiary's prior year abroad was in an executive or managerial capacity and the proposed employment involves executive or managerial authority over the new operation;
- 3) the intended United States operation, within one year of approval of the petition, will support an executive or managerial position as defined in subparagraph (1)(ii)(A) or (B), supported by information regarding:
  - the proposed number of employees and the types of positions they will hold.
  - the size of the United States investment and the financial ability of the foreign entity to remunerate the beneficiary and to commence doing business in the United States, and
  - the size and staffing levels of the foreign entity.

- D. If the prospective employee is an owner or major stockholder of the company, evidence that the employee's services are to be used for a temporary period and evidence that the employee will be transferred to an assignment abroad upon the completion of authorized services in the United States.

- E. If a permanent labor certification has been approved or a preference petition has been filed for the prospective employee, evidence that you intend to use the employee's classification is not being requested to circumvent the normal wait for a visa number, such as:

- 1) your prior history of use of foreign employees in temporary and permanent positions;
- 2) description of your established program for rotation of international personnel; and
- 3) description of operations and an appropriate position abroad to which the employee could be transferred at the end of the authorized stay.

I-129L

#### What documents do you need for a blanket petition?

A. Evidence that you meet the requirements to file a blanket petition by documenting that:

- 1) You and your parent, branches, subsidiaries, and affiliates are engaged in commercial trade or services; and
- 2) you have an office in the United States that has been doing business for one year or more; and
- 3) you have three or more domestic and foreign branches, subsidiaries, or affiliates; and
- 4) you and the other qualifying organizations have obtained approved petitions for at least 10 "L" managers, executives, or specialized knowledge professionals during the previous 12 months; or have U.S. subsidiaries or affiliates with combined annual sales of at least 25 million dollars; or have a United States workforce of at least 1,000 employees.

B. Evidence of the qualifying relationship between you and the parent, branches, subsidiaries, and affiliates listed in the petition based on ownership and control, such as, annual report, audit statements, or statement from the president or corporate secretary of the parent corporation.

#### How should you prepare this form?

- A. Type or print legibly in ink.
- B. If you need extra space to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.
- C. Answer all questions fully and accurately. If any item does not apply, please write "N/A".

#### Where should you file this form?

- A. Individual petition - You should file this form with the INS office which has jurisdiction over the area of intended employment.
- B. Blanket petition - You should file this form with the INS office which has jurisdiction over the area where the organization's petitioner office in the United States is located.

#### What is the fee?

You must pay \$35 to file this form. *The fee will not be refunded, whether the petition is approved or not. Do not mail cash.* All checks or money orders, whether U.S. or foreign, must be payable in U.S. currency at a financial institution in the United States. When a check is drawn on the account of a person other than yourself, write your name on the face of the check. If the check is not honored, INS will charge you \$5.

Pay by check or money order in the exact amount. Make the check or money order payable to "Immigration and Naturalization Service". However,

- A. if you live in Guam: Make the check or money order payable to "Treasurer, Guam", or
- B. if you live in the U.S. Virgin Islands: Make the check or money order payable to "Commissioner of Finance of the Virgin Islands".

#### What are the penalties for submitting false information?

Title 18, United States Code, Section 1001 states that whoever willfully and knowingly falsifies a material fact, makes a false statement, or makes use of a false document will be fined up to \$10,000 or imprisoned up to five years, or both.

#### What is our authority for collecting this information?

We request the information on this form to carry out the immigration laws contained in Title 8, United States Code, Section 1154 (a). We need this information to determine whether a person is eligible for immigration benefits. The information you provide may also be disclosed to other federal, state, local, and foreign law enforcement and regulatory agencies during the course of the investigation required by this Service. You do not have to give this information. However, if you refuse to give some or all of it, your petition may be denied.

It is not possible to cover all the conditions for eligibility or to give instructions for every situation. If you have carefully read all the instructions and still have questions, please contact your nearest INS office.

**A. Information about this certificate**

1. The alien will be a:  <input type="checkbox"/> Manager  <input type="checkbox"/> Executive  <input type="checkbox"/> Specialized Knowledge Professional	Approval or Admission Stamp	2. This Certificate Supports:  <input type="checkbox"/> Visa Application  <input type="checkbox"/> Extension of Stay Application  <input type="checkbox"/> Change of Status Application
		3. The Blanket Petition Approval Number is:

**B. Information about employment**

1. Sponsoring Company's Name \_\_\_\_\_

2. Address (Number and Street) \_\_\_\_\_  
(Town or City) (State/Country) ZIP/Postal Code

3. Address where employee will work (if different) \_\_\_\_\_

4. Dates of intended employment (Month/Day/Year)  
From: \_\_\_\_\_ To: \_\_\_\_\_

5. Weekly wage \_\_\_\_\_ 6. Hours per week \_\_\_\_\_

7. Title and *detailed* description of duties \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**C. Information about employee**

1. Name (Family Name in CAPS) (First) (Middle) \_\_\_\_\_

2. Current Address (Number and Street) (Apartment Number) \_\_\_\_\_  
(Town or City) (State/Country) ZIP/Postal Code

3. Place of Birth (Town or City) (State/Country) \_\_\_\_\_

4. Date of Birth (Month/Day/Year) 5. Country of Citizenship \_\_\_\_\_

6. Address in U.S. (Number and Street) (Apartment Number) \_\_\_\_\_  
(Town or City) (City) (State) ZIP Code

7. Dates of prior periods of stay in the U.S. in a work authorized capacity and type of visa. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Job duties for the immediate prior year. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Summarize education and other work experience. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**D. Endorsements**

1. Employer Certification  
I certify, under penalty of perjury of the laws of the United States of America, that the foregoing is true and correct.  
Name (Type or Print) \_\_\_\_\_  
  
Signature \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_

2. Consular or Immigration Officer Action:  
Approved as: \_\_\_\_\_  
Validity Period: \_\_\_\_\_  
Denied (give reason): \_\_\_\_\_  
\_\_\_\_\_  
Signature Officer: \_\_\_\_\_  
Date of Action: \_\_\_\_\_  
Action Office: \_\_\_\_\_  
\_\_\_\_\_

I-129S

**Intracompany Transferee Certificate of Eligibility  
(For Blanket Petitions Only)**

**Instructions**

**Please read these instructions carefully.**

**If you do not follow these instructions and provide all of the information requested, the employee may be delayed in obtaining L-1 visa classification.**

**General Information**

This Certificate of Eligibility (Form I-129S) is completed by an organization listed in an approved blanket petition to certify the eligibility of an employee outside the United States for L-1 classification, when that qualifying organization wishes to transfer an employee to a qualifying organization in the United States. Form I-129S is also completed by the organization when the employee is a visa-exempt nonimmigrant seeking blanket L classification or is in the United States and is seeking a change of status from another nonimmigrant classification to L classification under a blanket petition.

INS has delegated to consular officers of the Department of State responsibility for determining eligibility of foreign employees for L classification under blanket petitions except when the employee is a visa-exempt nonimmigrant or when the employee is already in the United States, in which case INS will determine eligibility.

**Who should prepare this form?**

The qualifying organization should complete this form and sign the employer certification whenever any qualifying organization listed in the approved blanket petition wishes to transfer an employee outside the United States to a qualifying organization in the United States.

**How should you prepare and distribute this form?**

- A. Type or print legibly in ink. If you need extra space to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.
- B. Answer all questions fully and accurately. If any item does not apply, please write "N/A".
- C. When the prospective employee requires a visa and is outside the United States, you should:
  - 1. Complete this form in an original and three copies, and attach a copy of Form I-171C, Notice of Approval of Nonimmigrant Visa Petition, to the original and each copy.
  - 2. Retain one copy for your records and send the original and two copies to the prospective employee. After receipt of Form I-171C and Form I-129S, the prospective employee may use these documents to apply for L classification and a visa with the consular officer within six months of the date on Form I-129S.

- D. When the prospective employee is a visa-exempt nonimmigrant ~~or is~~ in the United States and seeking a change of status from another nonimmigrant classification to L classification, you should submit this form, a copy of the approved Form I-171C, and as appropriate, Form I-506 (Application for Change of Nonimmigrant Status), as appropriate, completed by the alien beneficiary to the INS office with which the blanket petition was filed.

**What documents should the prospective employee submit with this form?**

- A. Letter from the prospective employee's employer abroad detailing his or her dates of employment, job duties, qualifications, and salary for at least the previous year.
- B. Records of educational training, degrees, and other pertinent evidence to document that the prospective employee is a specialized knowledge professional.

**How will the prospective employee use this form?**

- A. To apply for admission to the United States.
- B. To submit with applications for extension of stay in the United States.
- C. To leave and reenter the United States to resume employment with a qualifying organization during his or her authorized stay.
- D. To apply for a new or revalidated visa.

**What are the penalties for submitting false information?**

Title 18, United States Code, Section 1001 states that whoever willfully and knowingly falsifies a material fact, makes a false statement, or makes use of a false document will be fined up to \$10,000 or imprisoned up to five years, or both.

**What is our authority for collecting this information?**

We request the information on this form to carry out the immigration laws contained in Title 8, United States Code, Section 1154(a). We need this information to determine whether a person is eligible for immigration benefits. The information you provide may also be disclosed to other federal, state, local, and foreign law enforcement and regulatory agencies during the course of the investigation required by this Service. You do not have to give this information. However, if you refuse to give some or all of it, your petition may be denied.

**It is not possible to cover all the conditions for eligibility or to give instructions for every situation. If you have carefully read all the instructions and still have questions, please contact your nearest INS office.**

**I-129S**

**A. Information about this certificate**

1. The alien will be a:  <input type="checkbox"/> Manager  <input type="checkbox"/> Executive  <input type="checkbox"/> Specialized Knowledge Professional	Approval or Admission Stamp	2. This Certificate Supports:  <input type="checkbox"/> Visa Application  <input type="checkbox"/> Extension of Stay Application  <input type="checkbox"/> Change of Status Application
		3. The Blanket Petition Approval Number is:

**B. Information about employment**

1. Sponsoring Company's Name \_\_\_\_\_

2. Address (Number and Street) \_\_\_\_\_  
(Town or City) (State/Country) ZIP/Postal Code

3. Address where employee will work (if different) \_\_\_\_\_

4. Dates of intended employment (Month/Day/Year)  
From: \_\_\_\_\_ To: \_\_\_\_\_

5. Weekly wage \_\_\_\_\_ 6. Hours per week \_\_\_\_\_

7. Title and detailed description of duties \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**C. Information about employee**

1. Name (Family Name in CAPS) (First) (Middle) \_\_\_\_\_

2. Current Address (Number and Street) (Apartment Number) \_\_\_\_\_  
(Town or City) (State/Country) ZIP/Postal Code

3. Place of Birth (Town or City) (State/Country) \_\_\_\_\_

4. Date of Birth (Month/Day/Year) 5. Country of Citizenship \_\_\_\_\_

6. Address in U.S. (Number and Street) (Apartment Number) \_\_\_\_\_  
(Town or City) (City) (State) ZIP Code

7. Dates of prior periods of stay in the U.S. in a work authorized capacity and type of visa. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Job duties for the immediate prior year. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Summarize education and other work experience. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**D. Endorsements**

1. Employer Certification  
I certify, under penalty of perjury of the laws of the United States of America, that the foregoing is true and correct.  
Name (Type or Print) \_\_\_\_\_  
Signature \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_

2. Consular or Immigration Officer Action:  
Approved as: \_\_\_\_\_  
Validity Period: \_\_\_\_\_  
Denied (give reason): \_\_\_\_\_  
Signature Officer: \_\_\_\_\_  
Date of Action: \_\_\_\_\_  
Action Office: \_\_\_\_\_

<p>1. The alien will be a:</p> <p><input type="checkbox"/> Manager</p> <p><input type="checkbox"/> Executive</p> <p><input type="checkbox"/> Specialized Knowledge Professional</p>	<p>Approval or Admission Stamp</p>	<p>2. This Certificate Supports:</p> <p><input type="checkbox"/> Visa Application</p> <p><input type="checkbox"/> Extension of Stay Application</p> <p><input type="checkbox"/> Change of Status Application</p>
		<p>3. The Blanket Petition Approval Number is:</p>

1. Name (Family Name in CAPS)			(First)	(Middle)
2. Current Address (Number and Street)			(Apartment Number)	
(Town or City)		(State/Country)	ZIP/Postal Code	
3. Place of Birth (Town or City)		(State/Country)		
4. Date of Birth (Month/Day/Year)		5. Country of Citizenship		
6. Address in U.S. (Number and Street)			(Apartment Number)	
(Town or City)		(City)	(State)	ZIP Code
7. Dates of prior periods of stay in the U.S. in a work authorized capacity and type of visa.				
8. Job duties for the immediate prior year.				
9. Summarize education and other work experience.				

2. Consular or Immigration Officer Action:

Approved as:

Validity Period:

Denied (give reason):

Signature Officer:

Date of Action:

Action Office:

**A. Information about this certificate**

1. The alien will be a:  <input type="checkbox"/> Manager  <input type="checkbox"/> Executive  <input type="checkbox"/> Specialized Knowledge Professional	Approval or Admission Stamp	2. This Certificate Supports:  <input type="checkbox"/> Visa Application  <input type="checkbox"/> Extension of Stay Application  <input type="checkbox"/> Change of Status Application
		3. The Blanket Petition Approval Number is:

**B. Information about employment**

1. Sponsoring Company's Name

2. Address (Number and Street)  
(Town or City) (State/Country) ZIP/Postal Code

3. Address where employee will work (if different)

4. Dates of intended employment (Month/Day/Year)  
From: To:

5. Weekly wage 6. Hours per week

7. Title and detailed description of duties

**C. Information about employee**

1. Name (Family Name in CAPS) (First) (Middle)

2. Current Address (Number and Street) (Apartment Number)  
(Town or City) (State/Country) ZIP/Postal Code

3. Place of Birth (Town or City) (State/Country)

4. Date of Birth (Month/Day/Year) 5. Country of Citizenship

6. Address in U.S. (Number and Street) (Apartment Number)  
(Town or City) (City) (State) ZIP Code

7. Dates of prior periods of stay in the U.S. in a work authorized capacity and type of visa.

8. Job duties for the immediate prior year.

9. Summarize education and other work experience.

**D. Endorsements**

1. Employer Certification  
I certify, under penalty of perjury of the laws of the United States of America, that the foregoing is true and correct.  
Name (Type or Print)  
  
Signature  
  
Title  
  
Date

2. Consular or Immigration Officer Action:

Approved as:

Validity Period:

Denied (give reason):

Signature Officer:

Date of Action:

Action Office:

Instructions

Read the instructions carefully. If you do not follow the instructions, we may have to return your petition, which may delay final action.

1. Who can file?

A citizen or lawful permanent resident of the United States can file this form to establish the relationship of certain alien relatives who may wish to immigrate to the United States. You must file a separate form for each eligible relative.

2. For whom can you file?

A. If you are a citizen, you may file this form for:

- 1) your husband, wife, or unmarried child under 21 years old
- 2) your unmarried child over 21, or married child of any age
- 3) your brother or sister if you are at least 21 years old
- 4) your parent if you are at least 21 years old.

B. If you are a lawful permanent resident you may file this form for:

- 1) your husband or wife
- 2) your unmarried child

NOTE: If your relative qualifies under instruction A(2) or A(3) above, separate petitions are not required for his or her husband or wife or unmarried children under 21 years old. If your relative qualifies under instruction B(2) above, separate petitions are not required for his or her unmarried children under 21 years old. These persons will be able to apply for the same type of immigrant visa as your relative.

3. For whom can you not file?

You cannot file for people in these four categories:

- A. An adoptive parent or adopted child, if the adoption took place after the child became 16 years old, or if the child has not been in the legal custody of the parent(s) for at least two years after the date of the adoption, or has not lived with the parent(s) for at least two years, either before or after the adoption.
- B. A stepparent or stepchild, if the marriage that created this relationship took place after the child became 18 years old.
- C. A husband or wife, if you were not both physically present at the marriage ceremony, and the marriage was not consummated.
- D. A grandparent, grandchild, nephew, niece, uncle, aunt, cousin, or in-law.

4. What documents do you need?

You must give INS certain documents with this form to show you are eligible to file. You must also give INS certain documents to prove the family relationship between you and your relative.

- A. For each document needed, give INS the original and one copy. However, because it is against the law to copy a Certificate of Naturalization, a Certificate of Citizenship or an Alien Registration Receipt Card (Form I-151 or I-551), give INS the original only. **Originals will be returned to you.**

Form I-130 (Rev. 06-23-86) Y

- B. If you do not wish to give INS the original document, you may give INS a copy. The copy must be certified by:

- 1) an INS or U.S. consular officer, or
- 2) an attorney admitted to practice law in the United States, or
- 3) an INS accredited representative  
(INS still may require originals).

- C. Documents in a foreign language must be accompanied by a complete English translation. The translator must certify that the translation is accurate and that he or she is competent to translate.

5. What documents do you need to show you are a United States citizen?

- A. If you were born in the United States, give INS your birth certificate.
- B. If you were naturalized, give INS your original Certificate of Naturalization.
- C. If you were born outside the United States, and you are a U.S. citizen through your parents, give INS:
  - 1) your original Certificate of Citizenship, or
  - 2) your Form FS-240 (Report of Birth Abroad of a United States Citizen).
- D. In place of any of the above, you may give INS your valid unexpired U.S. passport that was initially issued for at least 5 years.
- E. If you do not have any of the above and were born in the United States, see the instructions under 8, below. "What if a document is not available?"

6. What documents do you need to show you are a permanent resident?

You must give INS your alien registration receipt card (Form I-151 or I-551). Do not give INS a photocopy of the card.

7. What documents do you need to prove family relationship?

You have to prove that there is a family relationship between your relative and yourself.

In any case where a marriage certificate is required, if either the husband or wife was married before, you must give INS documents to show that all previous marriages were legally ended. In cases where the names shown on the supporting documents have changed, give INS legal documents to show how the name change occurred (for example, a marriage certificate, adoption decree, court order, etc.).

Find the paragraph in the following list that applies to the relative you are filing for.

If you are filing for your:

- A. **husband or wife**, give INS:

- 1) your marriage certificate
- 2) a color photo of you and one of your husband or wife, taken within 30 days of the date of this petition.

I-130

These photos must have a white background. They must be glossy, un-retouched, and not mounted. The dimension of the facial image should be about 1 inch from chin to top of hair in 3/4 frontal view, showing the right side of the face with the right ear visible. Using pencil or felt pen, lightly print name (and Alien Registration Number, if known) on the back of each photograph.

- 3) a completed and signed Form G-325A (Biographic Information) for you and one for your husband or wife. Except for name and signature, you do not have to repeat on the G-325A the information given on your I-130 petition.

- B. **child** and you are the **mother**, give the child's birth certificate showing your name and the name of your child.  
C. **child** and you are the **father or stepparent**, give the child's birth certificate showing both parents' names and your marriage certificate.  
D. **brother or sister**, give your birth certificate and the birth certificate of your brother or sister showing both parents' names. If you do not have the same mother, you must also give the marriage certificates of your father to both mothers.  
E. **mother**, give your birth certificate showing your name and the name of your mother.  
F. **father**, give your birth certificate showing the names of both parents and your parents' marriage certificate.  
G. **stepparent**, give your birth certificate showing the names of both natural parents and the marriage certificate of your parent to your stepparent.  
H. **adoptive parent or adopted child**, give a certified copy of the adoption decree and a statement showing the dates and places you have lived together.

**8. What if a document is not available?**

If the documents needed above are not available, you can give INS the following instead. (INS may require a statement from the appropriate civil authority certifying that the needed document is not available.)

- A. **Church record:** A certificate under the seal of the church where the baptism, dedication, or comparable rite occurred within two months after birth, showing the date and place of child's birth, date of the religious ceremony, and the names of the child's parents.  
B. **School record:** A letter from the authorities of the school attended (preferably the first school), showing the date of admission to the school, child's date and place of birth, and the names and places of birth of parents, if shown in the school records.  
C. **Census record:** State or federal census record showing the name, place of birth, and date of birth or the age of the person listed.  
D. **Affidavits:** Written statements sworn to or affirmed by two persons who were living at the time and who have personal knowledge of the event you are trying to prove; for example, the date and place of birth, marriage, or death. The persons making the affidavits need not be citizens of the United States. Each affidavit should contain the following information regarding the person making the affidavit: his or her full name, address, date and place of birth, and his or her relationship to you, if any; full information concerning the event; and complete details concerning how the person acquired knowledge of the event.

**9. How should you prepare this form?**

- A. Type or print legibly in ink.  
B. If you need extra space to complete any item, attach a

continuation sheet, indicate the item number, and date and sign each sheet.

- C. Answer all questions fully and accurately. If any item does not apply, please write "N/A".

**10. Where should you file this form?**

- A. If you live in the United States, send or take the form to the INS office that has jurisdiction over where you live.  
B. If you live outside the United States, contact the nearest American Consulate to find out where to send or take the completed form.

**11. What is the fee?**

You must pay \$35.00 to file this form. **The fee will not be refunded, whether the petition is approved or not.** DO NOT MAIL CASH. All checks or money orders, whether U.S. or foreign, must be payable in U.S. currency at a financial institution in the United States. When a check is drawn on the account of a person other than yourself, write your name on the face of the check. If the check is not honored, INS will charge you \$5.00.

Pay by check or money order in the exact amount. Make the check or money order payable to "Immigration and Naturalization Service". However,

- A. if you live in Guam: Make the check or money order payable to "Treasurer, Guam", or  
B. if you live in the U.S. Virgin Islands: Make the check or money order payable to "Commissioner of Finance of the Virgin Islands"

**12. When will a visa become available?**

When a petition is approved for the husband, wife, parent, or unmarried minor child of a United States citizen, these relatives do not have to wait for a visa number, as they are not subject to the immigrant visa limit. However, for a child to qualify for this category, all processing must be completed and the child must enter the United States before his or her 21st birthday.

For all other alien relatives there are only a limited number of immigrant visas each year. The visas are given out in the order in which INS receives properly filed petitions. To be considered properly filed, a petition must be completed accurately and signed, the required documents must be attached, and the fee must be paid.

For a monthly update on dates for which immigrant visas are available, you may call (202) 663-1514

**13. What are the penalties for submitting false information?**

Title 18, United States Code, Section 1001 states that whoever willfully and knowingly falsifies a material fact, makes a false statement, or makes use of a false document will be fined up to \$10,000 or imprisoned up to five years, or both.

**14. What is our authority for collecting this information?**

We request the information on this form to carry out the immigration laws contained in Title 8, United States Code, Section 1154(a). We need this information to determine whether a person is eligible for immigration benefits. The information you provide may also be disclosed to other federal, state, local, and foreign law enforcement and regulatory agencies during the course of the investigation required by this Service. You do not have to give this information. However, if you refuse to give some or all of it, your petition may be denied.

**It is not possible to cover all the conditions for eligibility or to give instructions for every situation. If you have carefully read all the instructions and still have questions, please contact your nearest INS office.**

DO NOT WRITE IN THIS BLOCK		
Case ID#	Action Stamp	Fee Stamp
A#		
G-28 or Volag#		
Section of Law: <input type="checkbox"/> 201 (b) spouse <input type="checkbox"/> 203 (a)(1) <input type="checkbox"/> 201 (b) child <input type="checkbox"/> 203 (a)(2) <input type="checkbox"/> 201 (b) parent <input type="checkbox"/> 203 (a)(4) <input type="checkbox"/> 203 (a)(5)		Petition was filed on _____ (priority date) <input type="checkbox"/> Personal Interview <input type="checkbox"/> Previously Forwarded <input type="checkbox"/> Document Check <input type="checkbox"/> Stateside Criteria <input type="checkbox"/> Field Investigations <input type="checkbox"/> I-485 Simultaneously
AM CON: _____		
REMARKS:		

**A. Relationship**

1. The alien relative is my: ☐ Husband/Wife    ☐ Parent    ☐ Brother/Sister    ☐ Child
2. Are you related by adoption? ☐ Yes    ☐ No

**B. Information about you**

1. Name (Family name in CAPS) (First) (Middle)	
2. Address (Number and Street) (Apartment Number)	
(Town or City)	(State/Country) (ZIP/Postal Code)
3. Place of Birth (Town or City) (State/Country)	
4. Date of Birth (Mo/Day/Yr)	5. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female
6. Marital Status <input type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced	
7. Other Names Used (including maiden name)	
8. Date and Place of Present Marriage (if married)	
9. Social Security Number	10. Alien Registration Number (if any)
11. Names of Prior Husbands/Wives 12. Date(s) Marriage(s) Ended	

**C. Information about your alien relative**

1. Name (Family name in CAPS) (First) (Middle)	
2. Address (Number and Street) (Apartment Number)	
(Town or City)	(State/Country) (ZIP/Postal Code)
3. Place of Birth (Town or City) (State/Country)	
4. Date of Birth (Mo/Day/Yr)	5. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female
6. Marital Status <input type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced	
7. Other Names Used (including maiden name)	
8. Date and Place of Present Marriage (if married)	
9. Social Security Number	10. Alien Registration Number (if any)
11. Names of Prior Husbands/Wives 12. Date(s) Marriage(s) Ended	

**13. If you are a U.S. citizen, complete the following:**

- My citizenship was acquired through (check one)
- ☐ Birth in the U.S.
- ☐ Naturalization  
Give number of certificate, date and place it was issued

☐ Parents

- Have you obtained a certificate of citizenship in your own name?  
☐ Yes    ☐ No  
If "Yes" give number of certificate, date and place it was issued

**14. If you are a lawful permanent resident alien, complete the following.**

- Date and place of admission for, or adjustment to, lawful permanent residence

**13. Has your relative ever been in the U.S.?**

- ☐ Yes    ☐ No

**14. If your relative is currently in the U.S., complete the following:**

- He or she last arrived as a (visitor, student, exchange alien, crewman, stowaway, temporary worker, without inspection, etc.)

Arrival/Departure Record (I-94) Number

Date arrived (Month/Day/Year)

Date authorized stay expired, or will expire as shown on Form I-94 or I-95

15. Name and address of present employer (if any)

Date this employment began (month/day/year)

I-130

INITIAL RECEIPT	RESUBMITTED	RELOCATED		COMPLETED		
		Rec'd	Sent	Approved	Denied	Returned

### C. (Continued) Information about your alien relative

16. List husband/wife and all children of your relative (if your relative is your husband/wife, list only his or her children)

Name	Relationship	Date of Birth	Country of Birth

17. Address in the United States where your relative intends to reside

(Number and Street)	(Town or City)	(State)

18. Your relative's address abroad

(Number and Street)	(Town or City)	(Province)	(Country)

19. If your relative's native alphabet is other than Roman letters, write his/her name and address abroad in the native alphabet:

(Name)	(Number and Street)	(Town or City)	(Province)	(Country)

20. If filing for your husband/wife, give last address at which you lived together:

(Number and Street)	(Apt. No.)	(Town or City)	(State or Province)	(Country)	From (Month)	(Year)	To (Month)	(Year)

21. Check the appropriate box below and give the information required for the box you checked:

- ☐ Your relative will apply for a visa abroad at the American Consulate in \_\_\_\_\_ (City) \_\_\_\_\_ (Country)
- ☐ Your relative is in the United States and will apply for adjustment of status to that of a lawful permanent resident in the office of the Immigration and Naturalization Service at \_\_\_\_\_ (City) \_\_\_\_\_ (State). If your relative is not eligible for adjustment of status, he or she will apply for a visa abroad at the American Consulate in \_\_\_\_\_ (City) \_\_\_\_\_ (Country)

### D. Other Information

1. If separate petitions are also being submitted for other relatives, give names of each and relationship.

2. Have you ever filed a petition for this or any other alien before? ☐ Yes ☐ No

If "Yes" give name, place and date of filing, and result.

**Warning:** The INS investigates claimed relationships and checks whether documents are real. The INS seeks criminal prosecutions when family relationships are falsified to obtain visas.

**Penalties:** You may, by law, be fined up to \$10,000, imprisoned up to five years, or both, for knowingly and willfully falsifying or concealing a material fact or using any false document in submitting this petition.

#### Your Certification

I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit that I am seeking.

Signature \_\_\_\_\_ Date \_\_\_\_\_ Phone Number \_\_\_\_\_

#### Signature of Person Preparing Form if Other than Above

I declare that I prepared this document at the request of the person above and that it is based on all information of which I have any knowledge.

(Print Name)	(Address)	(Signature)	(Date)

G-28 ID Number \_\_\_\_\_

Volag Number \_\_\_\_\_

1-130

**NOTE: You must complete Items 1 through 6 to assure that petition approval is recorded.  
Do not write in the section below item 6.**

1. Name of relative (Family name in CAPS)			(First)	(Middle)
2. Other names used by relative (Including maiden name)				
3. Country of relative's birth			4. Date of relative's birth (Month/Day/Year)	
5. Your name (Last name in CAPS)			(First)	(Middle)
			6. Your Phone Number	

Action Stamp	SECTION	DATE PETITION FILED
	<input type="checkbox"/> 201 (b)(spouse)	
	<input type="checkbox"/> 201 (b)(child)	
	<input type="checkbox"/> 201 (b)(parent)	
	<input type="checkbox"/> 203 (a)(1)	
	<input type="checkbox"/> 203 (a)(2)	<input type="checkbox"/> STATESIDE
	<input type="checkbox"/> 203 (a)(4)	CRITERIA GRANTED
	<input type="checkbox"/> 203 (a)(5)	SENT TO CONSUL AT:

Relative Petition Card  
Form I-130 (Rev. 06-23-86) Y

#### CHECKLIST

Have you answered each question?  
Have you signed the petition?  
Have you enclosed:

- ☐ The filing fee for each petition?
- ☐ Proof of your citizenship or lawful permanent residence?
- ☐ All required supporting documents for each petition?

If you are filing for your husband or wife have you included:

- ☐ Your picture
- ☐ His or her picture
- ☐ Your G-325A
- ☐ His or her G-325A

APPLICATION FOR ISSUANCE  
OF PERMIT TO REENTER THE  
UNITED STATES

(PLEASE TEAR OFF THIS SHEET BEFORE  
SUBMITTING APPLICATION)

INSTRUCTIONS

READ INSTRUCTIONS CAREFULLY. FEE WILL NOT BE REFUNDED.

Form I-151 or I-551 (Alien Registration Receipt Card) may be presented instead of a reentry permit at time of application for reentry into the United States, after an absence of not more than 1 year. That 1-year time limitation is not applicable to the spouse or child of a member of the Armed Forces of the United States or of a civilian employee of the United States Government stationed abroad pursuant to official orders. If the spouse or child presents Form I-151 or I-551, did not relinquish lawful permanent residence, and is preceding or accompanying the member or employee, or is following to join the member or employee in the United States within 4 months of the return of the member or employee. If you nevertheless prefer to receive a reentry permit, submit the attached application, Form I-131, in accordance with the instructions in the numbered paragraphs below.

EFFECT, UNDER IMMIGRATION LAWS,  
OF PERMIT TO RE-ENTER

A reentry permit shall have no effect under the immigration laws, except to show that the alien is returning from a temporary visit abroad; nor shall it be construed to be the exclusive means of establishing that the alien is so returning. The possession of an unexpired reentry permit relieves the alien to whom it is issued from the necessity of securing a visa from an American consul before returning to this country. It does not, however, relieve the person to whom the permit is issued from meeting all other requirements of the immigration laws. Persons who have been convicted of or admit having committed crimes involving moral turpitude either before or after entering the United States, other criminal, immoral, insane, mentally or physically defective aliens, those afflicted with a dangerous contagious disease, and others found to be inadmissible under the Immigration and Nationality Act are subject to exclusion if attempting to re-enter, notwithstanding they may be in possession of reentry permits.

EFFECT OF ABSENCE FROM UNITED STATES  
UPON NATURALIZATION ELIGIBILITY

A reentry permit does not relieve the person to whom issued from meeting the requirements of the naturalization laws. Notwithstanding the possession of a reentry permit, absence from the United States by an applicant for naturalization for a continuous period of 1 year or more during the period for which continuous residence in the United States is required for admission to citizenship will break the continuity of such residence, except where, prior thereto, the Attorney General has approved an absence in the employment of, or under contract with, the United States Government or an American institution of research recognized as such by the Attorney General, or in the employment of an American firm or corporation engaged in whole or in part in the development of foreign trade and commerce of the United States or a subsidiary thereof, more than 50 percent of whose stock is owned by an American firm or corporation, or in the employment of a public international organization of which the United States is a member by treaty or statute and by which the alien was not employed until after being lawfully admitted for permanent residence. In order to qualify for such approval the applicant must have been physically present and residing in the United States, after being lawfully admitted for permanent residence, for an uninterrupted period of at least one year. The granting of such approval does

not exempt the applicant from the requirement that he/she be physically present in the United States for at least one-half of the period of residence required for naturalization except in the case of those persons who are employed by, or under contract with, the Government of the United States, those persons who are authorized to perform the ministerial or priestly functions of a religious denomination having a bona fide organization within the United States, and those persons who are engaged solely by a religious denomination or by an interdenominational mission organization having a bona fide organization within the United States as a missionary, brother, nun, or sister. Such approval should be applied for on Form N-470, "Application to Preserve Residence for Naturalization Purposes (under section 316(b) or 317, Immigration and Nationality Act)," available at any office of the Immigration and Naturalization Service. Aliens who are absent in connection with or for the purpose of performing the ministerial or priestly functions of a religious denomination having a bona fide organization in the United States, or who are engaged by such a denomination or an interdenominational mission organization having a bona fide organization within the United States, as a missionary, brother, nun, or sister are also eligible to make such application.

EFFECT OF CLAIM TO NONRESIDENT ALIEN STATUS FOR  
FEDERAL INCOME TAX PURPOSES

An alien who has actually established residence in the United States after having been admitted as an immigrant or after having adjusted status to that of an immigrant, and who is considering the filing of a nonresident alien tax return or the non-filing of a tax return on the ground that he/she is a nonresident alien, should consider carefully the consequences under the immigration and naturalization laws if he/she does so.

If an alien takes such action, he/she may be regarded as having abandoned residence in the United States and as having lost immigrant status under the immigration and naturalization laws. As a consequence he/she may be ineligible for a visa or other document for which lawful permanent resident aliens are eligible; he/she may be inadmissible to the United States if he/she seeks admission as a returning resident; and he/she may become ineligible for naturalization on the basis of his/her original entry or adjustment as an immigrant.

TREATY MERCHANTS

If you were lawfully admitted to the United States as a treaty merchant pursuant to section 3 (G) of the Immigration Act of 1924, between July 1, 1924 and July 5, 1932, both dates inclusive, and you intend to depart temporarily from the United States you should so inform the Immigration and Naturalization Service office having jurisdiction over your place of residence. You should then await the instructions of that office before submitting the application.

PENALTIES

Severe penalties are provided by law for knowingly and willfully falsifying or concealing a material fact or using any false document in the submission of this application or for knowingly forging, counterfeiting, altering, or otherwise misusing this permit.

(over)

**1. Who May Apply** - Any alien lawfully admitted to the United States for permanent residence who intends to depart temporarily from the United States, may apply under section 223 of the Immigration and Nationality Act for issuance of a permit to reenter the United States. A reentry permit will cover only one applicant. A reentry permit will not be issued to an alien who is in possession of a Refugee Travel Document previously issued unless such document is surrendered with this application.

**2. Submission of Application** - The application for issuance of a reentry permit must be submitted while you are in the United States, and should be submitted to the Immigration and Naturalization Service office having jurisdiction over your place of residence at least 30 days before the proposed date of your departure. A separate application must be submitted by each alien regardless of age. A parent, guardian or other person having a legitimate interest in a person under the age of 14, and a guardian of a mentally incompetent person may apply on behalf of such person. The first page of this application must be submitted to the Immigration and Naturalization Service in duplicate. The duplicate copy of the first page will be forwarded by this Service to the Social Security Administration for its information.

In answering item "COUNTRY OF CLAIMED NATIONALITY," fill in the country which you believe recognizes you as a national or citizen thereof. If you believe that no country recognizes you as a national or citizen, fill in "Stateless". The nationality you claim in your application will be shown on any permit to reenter issued to you; however, this does not indicate that the Immigration and Naturalization Service has determined that you are of the nationality claimed. If you desire any change to be made in your reentry permit after issuance with respect to nationality or any other information furnished in your application, a new application and fee, together with any relevant supporting evidence, will be required.

**3. Alien Registration Receipt Card** - You must attach to this application your Alien Registration Receipt Card (Form I-151, I-551, AR-3, or AR-103). If such card is not Form I-151 or I-551 and you are a lawful permanent resident of the United States, you may apply on Form I-90 without additional fee but with two additional photographs for the issuance of new Alien Registration Card on Form I-551. If your Alien Registration Receipt Card is lost or destroyed, you must execute and attach an application for such card on Form I-90 with fee in accordance with instructions on that form. Your Alien Registration Receipt Card or a replacement will be returned to you.

**4. Other Documentary Evidence** - If your name has been changed by marriage or by order of any court of competent jurisdiction, and you have never previously been issued a reentry permit or an Alien Registration Receipt Card (Form I-151 or I-551) in your changed name, you must attach to this application a certified copy of the public record of your marriage or of the decree of the court changing your name. If you live in a state where under such court decree further acts were required of you before the decree became final, you must also attach a certificate stating that you have complied with the conditions of the decree changing your name. Such documents must be submitted in the original. If you desire to have the original returned to you, you may also submit photostatic or typewritten copies. Photostatic copies unaccompanied by the original may be accepted if the copy bears a certification by an immigration or consular officer that the copy was compared with the original and found to be identical. Any document in a foreign language must be accompanied by a translation in English. The translators must certify that he/she is competent to translate and that the translation is accurate.

**5. Photographs** - Submit two color photographs of yourself taken within 30 days of the date of this application. These photos must have a white background, photos must be glossy, un-retouched, and

not mounted; dimension of the facial image should be about 1 inch from chin to top of hair; subject should be shown in 3/4 frontal view showing right side of face with right ear visible; using pencil or felt pen, lightly print name (and alien Registration Receipt Number, if known) on back of each photograph. Failure to comply with the above instructions will delay the processing of your application.

**6. Fee** - A fee of fifteen dollars (\$15) must be paid for filing this application. It cannot be refunded regardless of the action taken on the application. **DO NOT MAIL CASH. ALL FEES MUST BE SUBMITTED IN THE EXACT AMOUNT.** Payment by check or money order must be drawn on a bank or other institution located in the United States and be payable in United States currency. If applicant resides in Guam, check or money order must be payable to the "Treasurer, Guam." If applicant resides in the Virgin Islands, check or money order must be payable to the "Commissioner of Finance of the Virgin Islands." All other applicants must make the check or money order payable to the "Immigration and Naturalization Service." When check is drawn on account of a person other than the applicant, the name of the applicant must be entered on the face of the check. If application is submitted from outside the United States, remittance may be made by bank international money order or foreign draft drawn on a financial institution in the United States and payable to the Immigration and Naturalization Service in United States currency. Personal checks are accepted subject to collectibility. An uncollectible check will render the application and any document issued pursuant thereto invalid. A charge of \$5.00 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn.

**7. Delivery of Permit** - When reentry permit is issued, it will be mailed to the applicant at the address in the United States as shown on the application form, unless the applicant requests that it be mailed to a different address in the United States, or unless the applicant requests delivery abroad through a United States Embassy or Consular Post or through a U.S. Immigration and Naturalization Service Office outside the U.S. If an applicant for issuance of a reentry permit finds it absolutely necessary to depart from the U.S. before securing the permit, an Immigration and Naturalization Service officer should be consulted before leaving the United States.

**8. Foreign Visas** - The reentry permit contains pages on which consular officers of foreign countries may affix visas for entry into those countries. It is advisable for you to check with the consular representatives of foreign countries which you intend to visit concerning the visa requirements (if any) of those countries before traveling to them.

**9. Authority** - The authority to prescribe this form is contained in 8 U.S.C. 1203(a). Submission of the information requested on this form is voluntary. The solicited information will be used principally by the Service to determine whether the applicant is eligible for issuance or extension of a permit to reenter the United States under the provisions of section 223 of the Immigration and Nationality Act, 8 U.S.C. 1203. It will be furnished also to the Social Security Administration. The information may also as a matter of routine use be disclosed to other federal, state, local, and foreign law enforcement and regulatory agencies, the Department of Defense including any component thereof (if the applicant has served, or is serving in the Armed Forces of the United States), the Department of State, Central Intelligence Agency, Interpol, and individuals and organizations, during the course of investigation to elicit further information required by this Service to carry out its functions. Failure to provide any or all of the solicited information may result in the denial of the application for issuance of a permit to reenter the United States; however, failure to provide the applicant's social security number will have no consequences, as the disclosure of such number is voluntary.

U.S. Department of Justice  
Immigration and Naturalization Service

OMB No. 1115-0005

<b>APPLICATION FOR ISSUANCE OF PERMIT TO REENTER THE UNITED STATES</b> as provided in section 223 of the Immigration and Nationality Act  Use typewriter or print in block letters with ball-point pen.	<b>FEE STAMP</b>
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<b>1. YOUR NAME</b>	<b>FAMILY NAME (Capital Letters)</b>	<b>FIRST</b>	<b>MIDDLE</b>		
<b>IN CARE OF</b>	C/O				
<b>MAILING ADDRESS IN U.S.</b>	(No. and Street) (Apt. No.)			<b>ALIEN REGISTRATION NUMBER</b>  A-	
	(City)	(State)	(ZIP Code)		
<b>2. DATE OF BIRTH (Month, Day, Year)</b>		<b>COUNTRY OF BIRTH</b>	<b>COUNTRY OF CLAIMED NATIONALITY</b>	<b>COLOR OF EYES</b>	<b>COLOR OF HAIR</b>
<b>HEIGHT</b> _____ <b>FEET</b> _____ <b>INCHES</b>		<b>VISIBLE MARKS AND SCARS</b>			
<b>3. FILL IN THE ITEMS IN THIS BLOCK AS TO first ARRIVAL IN UNITED STATES FOR PERMANENT RESIDENCE OR ADJUSTMENT TO PERMANENT RESIDENT STATUS</b>					
<b>NAME UNDER WHICH ADMITTED OR ADJUSTED</b>		<b>PORT OF ARRIVAL OR LOCATION OF IMMIGRATION OFFICE WHICH GRANTED ADJUSTMENT</b>		<b>DATE OF ARRIVAL OR DATE AS OF WHICH ADJUSTMENT OF STATUS WAS GRANTED</b>	
FILL IN REMAINING ITEMS IN THIS BLOCK ONLY IF YOU DID NOT ACQUIRE PERMANENT RESIDENCE THROUGH ADJUSTMENT.					
<b>MANNER OF FIRST ARRIVAL IN UNITED STATES FOR PERMANENT RESIDENCE (Name of Vessel, Airline, etc.)</b>					
<b>FATHER'S NAME AT TIME OF YOUR ARRIVAL</b>			<b>MOTHER'S MAIDEN NAME</b>		
<b>4. FILL IN THE ITEMS IN THIS BLOCK AS TO LAST ARRIVAL IN U.S. (Exclude any re-entry after an absence of less than six months in Canada or Mexico.)</b>					
<b>NAME UNDER WHICH ADMITTED</b>		<b>PORT OF ARRIVAL</b>		<b>DATE OF ARRIVAL</b>	
<b>NAME OF VESSEL, AIRLINE OR OTHER MEANS OF CONVEYANCE:</b>					
<b>5. PORT OF proposed DEPARTURE FROM UNITED STATES</b>		<b>DATE OF proposed DEPARTURE</b>		<b>LENGTH OF INTENDED ABSENCE ABROAD</b>	
<b>NAME OF TRANSPORTATION COMPANY</b>		<b>IF DEPARTURE IS TO BE BY VESSEL, GIVE NAME OF VESSEL</b>			
<b>6. FILL IN ITEM 6 ONLY IF YOU HAVE PREVIOUSLY OBTAINED A PERMIT TO REENTER</b>					
<b>ISSUANCE DATE OF LAST PERMIT</b>	<b>LOCATION OF IMMIGRATION AND NATURALIZATION OFFICE ISSUING LAST PERMIT (City and State)</b>			<b>MY LAST PERMIT</b> <input type="checkbox"/> IS ATTACHED <input type="checkbox"/> IS NOT ATTACHED	
<b>IF THE PERMIT IS NOT ATTACHED, STATE REASON:</b>			<b>IF PERMIT IS ATTACHED, STATE EXPIRATION DATE</b>		
<b>7. PRESENT OCCUPATION:</b>					
<b>SOCIAL SECURITY ACCOUNT NUMBER</b>		<b>TELEPHONE NUMBER</b>		<b>NAME and ADDRESS OF EMPLOYER</b>	
<b>8. MAILING ADDRESS ABROAD (Number and Street)</b>		<b>(City/Town)</b>	<b>(State/Province/District)</b>	<b>(Country)</b>	
<b>9. REASONS FOR GOING ABROAD (Be concise and complete):</b>					

FORM 1-131 (REV. 4-1-64)Y

OVER

RECEIVED	TRANS. IN	RET'D-TRANS. OUT	COMPLETED

10. I <input type="checkbox"/> have <input type="checkbox"/> have not engaged in business or employment outside the United States since I became a permanent resident of the United States. (If you have engaged therein, briefly describe and show periods of such employment or business activity.)			
11. Since I became a permanent resident of the United States I <input type="checkbox"/> have <input type="checkbox"/> have not claimed nonresident alien status for Federal income purposes, either by filing no income tax return at all or by filing a return as a nonresident. (If such status was claimed by filing an income tax return as a nonresident alien, state the years for which you filed such a return, your address shown in each such return, and the location (City and State) of the Internal Revenue Service office with which you filed each such return; if you failed to file an income tax return at all because you regarded yourself as a nonresident alien for Federal income tax purposes, state the years for which you did not file a return for that reason.)			
12. I <input type="checkbox"/> do <input type="checkbox"/> do not intend to return to the United States after my temporary visit abroad.			
13. I <input type="checkbox"/> do <input type="checkbox"/> do not intend to retain my status as a lawful permanent resident.			
14. CHECK ONE: <input type="checkbox"/> My Alien Registration Receipt Card is attached. <input type="checkbox"/> Application Form I-90 for issuance of Alien Registration Receipt Card is attached.			
15. The Permit to Reenter and my Alien Registration Receipt Card, if I submitted or applied for that card, should be forwarded to: <input type="checkbox"/> My address as shown in block # 1, on reverse. <input type="checkbox"/> U.S. Embassy or Consulate at _____ <input type="checkbox"/> U.S. Immigration and Naturalization Office at _____ <input type="checkbox"/> Other (Specify) _____			
<b>CERTIFICATION OF APPLICANT</b>			
16. The applicant must sign this block. If application was completed by other than the applicant, that person must execute Item 17. I certify, under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date) _____, Signature _____			
<b>SIGNATURE OF PERSON PREPARING FORM, IF OTHER THAN APPLICANT</b>			
I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.			
(Signature)		(Address)	(Date)
<b>APPLICANT - DO NOT WRITE BELOW THIS LINE</b>			
Action with regard to Alien Registration Receipt Card <input type="checkbox"/> I-151 or I-551 submitted by alien returned <input type="checkbox"/> AR-103 or AR-3 submitted by alien returned <input type="checkbox"/> New I-551 issued on basis of I-90		Action with regard to application for issuance of Permit to Reenter <input type="checkbox"/> DENIED (See denial notice for reason(s)). <input type="checkbox"/> GRANTED Permit valid to _____ <input type="checkbox"/> Single entry <input type="checkbox"/> Multiple entries	
DATE OF ACTION	SERIAL NO. OF PERMIT ISSUED:		DELIVERY OF PERMIT <input type="checkbox"/> BY MAIL <input type="checkbox"/> TO APPLICANT PERSONALLY
	OFFICE		INITIALS OF EMPLOYEE EFFECTING DELIVERY
OFFICE			DATE

U.S. Department of Justice  
Immigration and Naturalization Service

OMB No. 1115-0005

APPLICATION FOR ISSUANCE  
OF PERMIT TO REENTER THE UNITED STATES  
as provided in section 223 of the  
Immigration and Nationality Act

Use typewriter or print in block letters with ball-point pen.

FEE STAMP

1. YOUR NAME		FAMILY NAME (Capital Letters)		FIRST	MIDDLE		
IN CARE OF		C/O					
MAILING ADDRESS IN U.S.		(No. and Street) (Apt. No.)					
		(City)	(State)	(ZIP Code)			
						ALIEN REGISTRATION NUMBER A-	
2. DATE OF BIRTH (Month, Day, Year)		COUNTRY OF BIRTH		COUNTRY OF CLAIMED NATIONALITY		COLOR OF EYES	COLOR OF HAIR
HEIGHT	FEET	INCHES	VISIBLE MARKS AND SCARS				
3. FILL IN THE ITEMS IN THIS BLOCK AS TO first ARRIVAL IN UNITED STATES FOR PERMANENT RESIDENCE OR ADJUSTMENT TO PERMANENT RESIDENT STATUS							
NAME UNDER WHICH ADMITTED OR ADJUSTED				PORT OF ARRIVAL OR LOCATION OF IMMIGRATION OFFICE WHICH GRANTED ADJUSTMENT		DATE OF ARRIVAL OR DATE AS OF WHICH ADJUSTMENT OF STATUS WAS GRANTED	
FILL IN REMAINING ITEMS IN THIS BLOCK ONLY IF YOU DID NOT ACQUIRE PERMANENT RESIDENCE THROUGH ADJUSTMENT.							
MANNER OF FIRST ARRIVAL IN UNITED STATES FOR PERMANENT RESIDENCE (Name of Vessel, Airline, etc.)							
FATHER'S NAME AT TIME OF YOUR ARRIVAL				MOTHER'S MAIDEN NAME			
4. FILL IN THE ITEMS IN THIS BLOCK AS TO LAST ARRIVAL IN U.S. (Exclude any re-entry after an absence of less than six months in Canada or Mexico.)							
NAME UNDER WHICH ADMITTED				PORT OF ARRIVAL		DATE OF ARRIVAL	
NAME OF VESSEL, AIRLINE OR OTHER MEANS OF CONVEYANCE:							
5. PORT OF proposed DEPARTURE FROM UNITED STATES				DATE OF proposed DEPARTURE		LENGTH OF INTENDED ABSENCE ABROAD	
NAME OF TRANSPORTATION COMPANY				IF DEPARTURE IS TO BE BY VESSEL, GIVE NAME OF VESSEL			
6. FILL IN ITEM 6 ONLY IF YOU HAVE PREVIOUSLY OBTAINED A PERMIT TO REENTER							
ISSUANCE DATE OF LAST PERMIT		LOCATION OF IMMIGRATION AND NATURALIZATION OFFICE ISSUING LAST PERMIT (City and State)				MY LAST PERMIT <input type="checkbox"/> IS ATTACHED <input type="checkbox"/> IS NOT ATTACHED	
IF THE PERMIT IS NOT ATTACHED, STATE REASON:						IF PERMIT IS ATTACHED, STATE EXPIRATION DATE	
7. PRESENT OCCUPATION:							
SOCIAL SECURITY ACCOUNT NUMBER				TELEPHONE NUMBER		NAME and ADDRESS OF EMPLOYER	
8. MAILING ADDRESS ABROAD (Number and Street)				(City/Town)	(State/Province/District)	(Country)	
9. REASONS FOR GOING ABROAD (Be concise and complete):							

**ADDRESS LABEL FOR PERMIT TO REENTER THE UNITED STATES**

A permit to reenter the United States does not insure your readmission if, for any cause under the general immigration laws, you are not admissible into the United States. You are advised to read the information and instructions printed on the inside front cover and those beginning on page 15 of the permit.

Your attention is also called to Section 6851(d) of Title 26, United States Code which reads as follows: "No alien shall depart from the United States unless he first procures from the Secretary or his delegate a certificate that he has complied with all the obligations imposed upon him by the income tax laws". It is suggested that you call at or communicate with your local office of the District Director of Internal Revenue, United States Treasury Department, for information concerning such a certificate. This should be done within 30 days of the date of your proposed departure from the United States.

Requirements for entry into and departure from countries on your itinerary should be ascertained from embassies or consulates of those countries well in advance of your scheduled travel.

U. S. Department of Justice  
Immigration and Naturalization Service

Fill in this address label **only** if you wish delivery of your permit to an address in the **United States** other than your address as shown in Block # 1.

Print your name and complete mailing address where the permit should be mailed in the block below.

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U. S. Department of Justice  
Immigration and Naturalization Service

**Affidavit of Support**

(ANSWER ALL ITEMS: FILL IN WITH TYPEWRITER OR PRINT IN BLOCK LETTERS IN INK.)

I, \_\_\_\_\_, residing at \_\_\_\_\_  
(Name) (Street and Number)

\_\_\_\_\_  
(City) (State) (ZIP Code if in U.S.) (Country)

**BEING DULY SWORN DEPOSE AND SAY:**

1. I was born on \_\_\_\_\_ at \_\_\_\_\_  
(Date) (City) (Country)

If you are *not* a native born United States citizen, answer the following as appropriate:

- If a United States citizen through naturalization, give certificate of naturalization number \_\_\_\_\_
  - If a United States citizen through parent(s) or marriage, give citizenship certificate number \_\_\_\_\_
  - If United States citizenship was derived by some other method, attach a statement of explanation.
  - If a lawfully admitted permanent resident of the United States, give "A" number \_\_\_\_\_
2. That I am \_\_\_\_\_ years of age and have resided in the United States since (date) \_\_\_\_\_
3. That this affidavit is executed in behalf of the following person:

Name		Sex	Age
Citizen of—(Country)		Marital Status	Relationship to Deponent
Presently resides at—(Street and Number)		(City)	(State) (Country)

**Name of spouse and children accompanying or following to join person:**

Spouse	Sex	Age	Child	Sex	Age
Child	Sex	Age	Child	Sex	Age
Child	Sex	Age	Child	Sex	Age

4. That this affidavit is made by me for the purpose of assuring the United States Government that the person(s) named in item 3 will not become a public charge in the United States.
5. That I am willing and able to receive, maintain and support the person(s) named in item 3. That I am ready and willing to deposit a bond, if necessary, to guarantee that such person(s) will not become a public charge during his or her stay in the United States, or to guarantee that the above named will maintain his or her nonimmigrant status if admitted temporarily and will depart prior to the expiration of his or her authorized stay in the United States.
6. That I understand this affidavit will be binding upon me for a period of three (3) years after entry of the person(s) named in item 3 and that the information and documentation provided by me may be made available to the Secretary of Health and Human Services and the Secretary of Agriculture, who may make it available to a public assistance agency.
7. That I am employed as, or engaged in the business of \_\_\_\_\_ with \_\_\_\_\_  
(Type of Business) (Name of concern)
- at \_\_\_\_\_  
(Street and Number) (City) (State) (Zip Code)

I derive an annual income of (if self-employed, I have attached a copy of my last income tax return or report of commercial rating concern which I certify to be true and correct to the best of my knowledge and belief. See instruction for nature of evidence of net worth to be submitted.)

\$ \_\_\_\_\_

I have on deposit in savings banks in the United States

\$ \_\_\_\_\_

I have other personal property, the reasonable value of which is

\$ \_\_\_\_\_

I have stocks and bonds with the following market value, as indicated on the attached list which I certify to be true and correct to the best of my knowledge and belief.

I have life insurance in the sum of

With a cash surrender value of

I own real estate valued at

With mortgages or other encumbrances thereon amounting to \$

\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

Which is located at

(Street and Number

(City)

(State)

(Zip Code)

8. That the following persons are dependent upon me for support: (Place an "X" in the appropriate column to indicate whether the person named is *wholly or partially* dependent upon you for support.)

Name of Person	Wholly Dependent	Partially Dependent	Age	Relationship to Me

9. That I have previously submitted affidavit(s) of support for the following person(s). If none, state "None"

Name

Date submitted

10. That I have submitted visa petition(s) to the Immigration and Naturalization Service on behalf of the following person(s). If none, state none.

Name

Relationship

Date submitted

11. (Complete this block only if the person named in item 3 will be in the United States temporarily.)

That I ☐ do intend ☐ do not intend, to make specific contributions to the support of the person named in item 3. (If you check "do intend", indicate the exact nature and duration of the contributions. For example, if you intend to furnish room and board, state for how long and, if money, state the amount in United States dollars and state whether it is to be given in a lump sum, weekly, or monthly, or for how long.)

#### OATH OR AFFIRMATION OF DEPONENT

I acknowledge at that I have read Part III of the Instructions, Sponsor and Alien Liability, and am aware of my responsibilities as an immigrant sponsor under the Social Security Act, as amended, and the Food Stamp Act, as amended.

I swear (affirm) that I know the contents of this affidavit signed by me and the statements are true and correct.

Signature of deponent \_\_\_\_\_

Subscribed and sworn to (affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

at \_\_\_\_\_. My commission expires on \_\_\_\_\_

Signature of Officer Administering Oath \_\_\_\_\_ Title \_\_\_\_\_

If affidavit prepared by other than deponent, please complete the following: I declare that this document was prepared by me at the request of the deponent and is based on all information of which I have knowledge.

(Signature)

(Address)

(Date)

U. S. Department of Justice  
Immigration and Naturalization Service

**Affidavit of Support**

**INSTRUCTIONS**

**I. EXECUTION OF AFFIDAVIT.** A separate affidavit must be submitted for each person. You must sign the affidavit in your full, true and correct name and affirm or make it under oath. If you are in the United States the affidavit may be sworn or affirmed before an immigration officer without the payment of fee, or before a notary public or other officer authorized to administer oaths for general purposes, in which case the official seal or certificate of authority to administer oaths must be affixed. If you are outside the United States the affidavit must be sworn to or affirmed before a United States consular or immigration officer.

**II. SUPPORTING EVIDENCE.** The deponent must submit in duplicate evidence of income and resources, as appropriate:

A. Statement from an officer of the bank or other financial institution in which you have deposits giving the following details regarding your account:

1. Date account opened.
2. Total amount deposited for the past year.
3. Present balance.

B. Statement of your employer on business stationery, showing:

1. Date and nature of employment.
2. Salary paid.
3. Whether position is temporary or permanent.

C. If self-employed:

1. Copy of last income tax return filed or,
2. Report of commercial rating concern.

D. List containing serial numbers and denominations of bonds and name of record owner(s).

**III. SPONSOR AND ALIEN LIABILITY.** Effective October 1, 1980, amendments to section 1614(f) of the Social Security Act and Part A of Title XVI of the Social Security Act establish certain requirements for determining the eligibility of aliens who apply for the first time for Supplemental Security Income (SSI) benefits. Effective October 1, 1981, amendments to section 415 of the Social Security Act establish similar requirements for determining the eligibility of aliens who apply for the first time for Aid to Families with Dependent Children (AFDC) benefits. Effective December 22, 1981, amendments to the Food Stamp Act of 1977 affect the eligibility of alien participation in the Food Stamp Program. These amendments require that the income and resources of any person who, as the sponsor of an alien's entry into the United States, executes an affidavit of support or similar agreement on behalf of the alien, and the income and resources of the sponsor's spouse (if living with the sponsor) shall be deemed to be the income and resources of the alien under formulas for determining eligibility for SSI, AFDC, and Food Stamp benefits during the three years following the alien's entry into the United States.

Form I-134 (Rev. 12-1-84) Y

An alien applying for SSI must make available to the Social Security Administration documentation concerning his or her income and resources and those of the sponsor including information which was provided in support of the application for an immigrant visa or adjustment of status. An alien applying for AFDC or Food Stamps must make similar information available to the State public assistance agency. The Secretary of Health and Human Services and the Secretary of Agriculture are authorized to obtain copies of any such documentation submitted to INS or the Department of State and to release such documentation to a State public assistance agency.

Sections 1621(e) and 415(d) of the Social Security Act and subsection 5(i) of the Food Stamp Act also provide that an alien and his or her sponsor shall be jointly and severally liable to repay any SSI, AFDC, or Food Stamp benefits which are incorrectly paid because of misinformation provided by a sponsor or because of a sponsor's failure to provide information. Incorrect payments which are not repaid will be withheld from any subsequent payments for which the alien or sponsor are otherwise eligible under the Social Security Act or Food Stamp Act, except that the sponsor was without fault or where good cause existed.

These provisions do not apply to the SSI, AFDC or Food Stamp eligibility of aliens admitted as refugees, granted political asylum by the Attorney General, or Cuban/Haitian entrants as defined in section 501(e) of P.L. 96-422 and of dependent children of the sponsor or sponsor's spouse. They also do not apply to the SSI or Food Stamp eligibility of an alien who becomes blind or disabled after admission into the United States for permanent residency.

**IV. AUTHORITY/USE/PENALTIES.** Authority for the collection of the information requested on this form is contained in 8 U.S.C. 1182(a)(15), 1184(a), and 1258. The information will be used principally by the Service, or by any consular officer to whom it may be furnished, to support an alien's application for benefits under the Immigration and Nationality Act and specifically the assertion that he or she has adequate means of financial support and will not become a public charge. Submission of the information is voluntary. It may also, as a matter of routine use, be disclosed to other federal, state, local and foreign law enforcement and regulatory agencies, including the Department of Health and Human Services, the Department of Agriculture, the Department of State, the Department of Defense and any component thereof (if the deponent has served or is serving in the armed forces of the United States), the Central Intelligence Agency, and individuals and organizations during the course of any investigation to elicit further information required to carry out Service functions. Failure to provide the information may result in the denial of the alien's application for a visa, or his or her exclusion from the United States.

U.S. Department of Justice  
Immigration and Naturalization Service (INS)

Petition for Prospective Immigrant Employee

Instructions

Read the instructions carefully. If you do not follow the instructions, we may have to return your petition which may delay final action.

Definitions

**Third Preference Immigrant** - A prospective employee who is a member of the professions, or who because of exceptional ability in the sciences or arts will substantially benefit the national economy, cultural interest, or welfare of the United States, and whose services are sought by an employer.

**Sixth Preference Immigrant** - A prospective employee who is capable of performing skilled or unskilled labor, not of a temporary or seasonal nature, for which there is a shortage of employable and willing persons in the United States.

**Schedule A** - A list of occupations for which it has already been determined that a shortage of U.S. workers exists. This list can be found in Title 20 CFR 656.10.

1. Who can file?

A. You may file this form under Third Preference if you are:

- 1) the prospective employer, or
- 2) the prospective employee, or
- 3) any other person applying on the prospective employee's behalf.

B. You may file this form under Sixth Preference only if you are the prospective employee's prospective employer.

If the petition is approved, the husband or wife and unmarried children under 21 years of age of the prospective employee will automatically be eligible to apply for a visa.

2. What documents do you need?

A. 1) In general, you must give INS certain documents with this form. For each document needed, give INS the original and one copy. **Originals will be returned to you.**

2) If you do not wish to give an original document, you may give INS a copy. The copy must be certified by:

- a) an INS or U.S. consular officer, or
- b) an attorney admitted to practice law in the United States, or
- c) an INS accredited representative

(INS still may require originals).

3) Documents in a foreign language must be accompanied by a complete English translation. The translator must certify that the translation is accurate and that he or she is competent to translate.

B. You must give INS a completed Form ETA-750A&B "Application for Alien Employment Certification" bearing the Department of Labor's certification, unless the occupation is currently listed in Schedule A (see definitions).

C. You must document the prospective employee's qualifications:

1) If the prospective employee's qualifications are based on education, give INS:

- a) diploma(s) and
- b) a certified copy of school transcript(s).

2) If the prospective employee's qualifications are based on exceptional ability in the sciences or arts, give INS evidence of national or international recognition such as awards, prizes, specific products, publications, memberships in a national or international association that maintains standards of outstanding achievement in a specific field, etc.

3) If the prospective employee's qualifications are based on a profession requiring a license or other official permission to practice, give INS a copy of the license or other official permission.

4) If the prospective employee's qualifications are based on technical training or specialized experience, give INS affidavits or published material supporting this training or experience.

5) For physicians or surgeons, also give INS:

a) the results of Parts 1 and 2 of the National Board of Medical Examiners Examination, the Visa Qualifying Examination, or Foreign Medical Graduate Examination in Medical Sciences.

b) evidence of competency in oral and written English.

D. The prospective employer must give INS documentary evidence that establishes ability to pay the offered wage (e.g., latest annual report, last U.S. tax return, profit/loss statement, etc.)

E. Affidavits - These must come from independent sources, such as the prospective employee's former employers or recognized experts familiar with the prospective employee's work. The affidavits must:

- a) identify the person making the affidavit, showing the capacity in which he or she is testifying
- b) give the places and the dates during which the prospective employee gained his or her experience
- c) describe in detail the duties the prospective employee performed, the tools he or she used, how he or she was supervised, and any supervisory tasks that he or she performed. A mere statement, for example, that the prospective employee was employed as a baker, is not adequate.
- d) show the date on which the affidavit was signed.

3. How should you prepare this form?

A. Type or print legibly in ink.

B. If you need extra space to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.

C. Answer all questions fully and accurately. If any item does not apply, please write "N/A".

**4. Where should you file this form?**

A. If you are in the United States, send or take the completed form and supporting documents to the INS office that has jurisdiction over the place of intended employment.

B. If you are outside the United States, contact the nearest American Consulate to find out where to send the completed form.

**5. When will a visa become available?**

The availability of an immigrant visa number depends on the number of aliens in the same visa classification who have an earlier priority date (date for which visas are available) on the visa waiting list.

Visa numbers are given out in the order in which Forms ETA-750A&B are filed with the Department of Labor or the order in which they are properly filed with INS in Schedule A cases. Since these numbers are limited each year, it is important to make sure the form is properly filed to put the prospective employee on the waiting list at the earliest possible date. To be properly filed, the form must be complete, the form must be signed, the necessary documents must be attached, and the fee must be paid. For a monthly update on dates for which immigrant visas are available, you may call (202) 663-1514

**6. What is the fee?**

You must pay \$50.00 to file this form. **The fee will not be**

**It is not possible to cover all the conditions for eligibility or to give instructions for every situation. If you have carefully read all the instructions and still have questions, please contact your nearest INS office.**

**refunded, whether the petition is approved or not. DO NOT MAIL CASH.** All checks or money orders, whether U.S. or foreign, must be payable in U.S. currency at a financial institution in the United States. When a check is drawn on the account of a person other than yourself, write your name on the face of the check. If the check is not honored, INS will charge you \$5.00.

Pay by check or money order in the exact amount. Make the check or money order payable to "Immigration and Naturalization Service". However,

A. if you live in Guam: Make the check or money order payable to "Treasurer, Guam", or

B. if you live in the U.S. Virgin Islands: Make the check or money order payable to "Commissioner of Finance of the Virgin Islands".

**7. What are the penalties for submitting false information?**

Title 18, United States Code, Section 1001 states that whoever willfully and knowingly falsifies a material fact, makes a false statement, or makes use of a false document will be fined up to \$10,000 or imprisoned up to five years, or both.

**8. What is our authority for collecting this information?**

We request the information on this form to carry out the immigration laws contained in Title 8, United States Code, Section 1154(a). We need this information to determine whether a person is eligible for immigration benefits. The information you provide may also be disclosed to other federal, state, local, and foreign law enforcement and regulatory agencies during the course of the investigation required by this Service. You do not have to give this information. However, if you refuse to give some or all of it, your petition may be denied.

DO NOT WRITE IN THIS BLOCK

Case ID#	Action Stamp	Fee Stamp
A#		
G-28 or Volag#		
Petition was filed on:  (Priority Date)		
		Petition is approved for status under section: <input type="checkbox"/> 203(a)(3) <input type="checkbox"/> 203(a)(6) Section 212(a)(14) certification <input type="checkbox"/> Attached <input type="checkbox"/> Sched. A, Group _____

A. Information about this petition

This petition is being filed for a: ☐ 3rd Preference Immigrant  
☐ 6th Preference Immigrant

(See instructions for definitions  
and check one block only)

B. Information about employer

1. Name (Family name in CAPS) (First) (Middle) or (Company Name)

2. Address (Number and Street)  
(Town or City) (State/Country) (ZIP/Postal Code)

3. Address where employee will work (if different)  
(Number and Street)  
(Town or City) (State/Country) (ZIP/Postal Code)

4. Employer is: ☐ an organization ☐ a permanent resident  
(check one) ☐ a U.S. citizen ☐ a nonimmigrant

5. Social Security Number or IRS employer ID number

6. Alien Registration Number (if any)

7. Description of Business (Nature, number of employees, gross and net annual income, date established) (If employer is an individual, state occupation and annual income).

8. Have you ever filed a visa petition for an alien employee in this same capacity?  
☐ Yes ☐ No (If Yes, how many?)

9. Are you and the prospective employee related by birth or marriage?  
☐ Yes ☐ No

10. Are separate petitions being filed at this time for other aliens?  
☐ Yes ☐ No (If Yes, list names)

11. Title and salary of position offered

12. Is the position permanent? ☐ Yes ☐ No

13. Is the position full-time? ☐ Yes ☐ No

14. Is this a newly-created position?  
(If No, how long has it existed?) ☐ Yes ☐ No

C. Information about prospective employee

1. Name (Family name in CAPS) (First) (Middle)

2. Address (Number and Street) (Apartment Number)  
(Town or City) (State/Country) (ZIP/Postal Code)

3. Place of Birth (Town or City) (State/Country)

4. Date of Birth (Mo/Da/Yr) 5. Sex ☐ Male ☐ Female 6. Marital Status ☐ Married ☐ Single ☐ Widowed ☐ Divorced

7. Other names used (including maiden name)

8. Profession or occupation and years held

9. Social Security Number 10. Alien Registration Number (if any)

11. Name and address of present employer (Name)  
(Number and Street)  
(Town or City) (State/Country) (ZIP/Postal Code)

12. Date employee began present employment

13. If employee is currently in the U.S., complete the following:  
He or she last arrived as a (visitor, student, exchange alien, crewman, stowaway, temporary worker, without inspection, etc.)

Arrival/Departure Record (I-94) Number Date arrived (Month/Day/Year)

Date authorized stay expired, or will expire as shown on Form I-94 or I-95

14. Has a visa petition ever been filed by or on behalf of this person?  
☐ Yes ☐ No (If Yes, explain)

INITIAL RECEIPT	RESUBMITTED	RELOCATED		COMPLETED		
		Rec'd	Sent	Approved	Denied	Returned

**C. (continued) Information about prospective employee**

**15. List husband/wife and all children of prospective employee**

Name	Relationship	Date of Birth	Country of Birth	Present Address

**16. Employee's address abroad**

(Number and Street)	(Town or City)	(Province)	(Country)

**17. If your employee's native alphabet is other than Roman letters, write his/her name and address abroad in the native alphabet:**

(Name)	(Number and Street)	(Town or City)	(Province)	(Country)

**18. Check the appropriate box below and give the information required for the box you checked:**

- ☐ The employee will apply for a visa abroad at the American Consulate in \_\_\_\_\_ (City) \_\_\_\_\_ (Country)
- ☐ The employee is in the United States and will apply for adjustment of status to that of a lawful resident in the office of the Immigration and Naturalization Service at \_\_\_\_\_ (City) \_\_\_\_\_ (State) If the employee is not eligible for adjustment of status, he or she will apply for a visa abroad at the American Consulate in \_\_\_\_\_ (City) \_\_\_\_\_ (Country)

**Warning: The INS investigates employment experience. If the INS finds that employment experience is false, the application is denied and the person responsible for providing false information may be criminally prosecuted.**

**Penalties: You may, by law, be fined up to \$10,000, imprisoned up to five years, or both, for knowingly and willfully falsifying or concealing a material fact or using any false document in submitting this petition.**

**Your Certification**

This petition may only be filed by one of the following:

- I am ☐ the employer  
☐ the prospective employee (only allowed for 3rd preference)  
☐ a person filing on behalf of and authorized by the prospective employee (only allowed for 3rd preference)

I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit that I am seeking.

I-140

Print Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_ Phone Number \_\_\_\_\_

**Signature of Person Preparing Form if Other than Above**

I declare that I prepared this document at the request of the person above and that it is based on all information of which I have any knowledge.

(Print Name) \_\_\_\_\_ (Address) \_\_\_\_\_ (Signature) \_\_\_\_\_ (Date) \_\_\_\_\_

G-28 ID Number \_\_\_\_\_

Volag Number \_\_\_\_\_

**NOTE: Fill in items 1-5 below so that your petition approval can be recorded by the Immigration Service.**

1. Name of Prospective Employee		Att
2. Other Names Used		
3. Country of Birth	4. Date of Birth	
5. Name of Prospective Employer		
Action Stamp	Section <input type="checkbox"/> 203(a)(3) <input type="checkbox"/> 203(a)(6)	Priority Date  Filing Date  Sent to Consul at:

Petition for Prospective Immigrant Employee  
Form I-140 (Rev. 06-23-88) Y

#### CHECKLIST

- ☐ Have you filled in all the information required on the form?
- ☐ Have you signed the form?
- ☐ Have you enclosed the Labor Department forms ETA 7-50 A & B?
- ☐ Have you enclosed all other required documents?
- ☐ Have you enclosed the fee?



UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE

REQUEST FOR POST AUDIT OF CITIZENSHIP OR LAWFUL ENTRY AFTER APPROVAL  
OF FORM I - 130 PETITION FOR RELATIVE

NAME AND ADDRESS OF PETITIONER

NAME OF BENEFICIARY	
CLASSIFICATION	FILE NO.
DATE PETITION FILED	DATE OF APPROVAL OF PETITION

DATE:

THE FOLLOWING INFORMATION RELATES TO PETITIONER

IF NATURALIZED

1. CERTIFICATE NUMBER .....	_____
2. NAME IN WHICH PETITIONER NATURALIZED IF DIFFERENT FROM NAME SHOWN ABOVE .....	_____
3. DATE OF BIRTH .....	_____
4. COURT (TITLE and LOCATION) .....	_____
5. DATE OF NATURALIZATION .....	_____

IF CERTIFICATE OF CITIZENSHIP ISSUED

1. CERTIFICATE NUMBER .....	_____
2. NAME IN WHICH CERTIFICATE ISSUED IF DIFFERENT FROM NAME SHOWN ABOVE .....	_____
3. DATE OF BIRTH .....	_____
4. PLACE OF ISSUE .....	_____
5. DATE OF ISSUE .....	_____

IF LAWFUL PERMANENT RESIDENT

1. ALIEN REGISTRATION NUMBER .....	_____
2. NAME AT TIME OF ENTRY IF DIFFERENT FROM NAME SHOWN ABOVE .....	_____
3. PLACE OF BIRTH .....	_____
4. DATE OF BIRTH .....	_____

AFTER VERIFICATION — DESTROY THIS FORM

IF UNABLE TO VERIFY, STAMP THIS FORM "UNABLE TO VERIFY" AND RETURN TO ORIGINATING OFFICE

IF DATA IN FILE RAISES QUESTION OF PETITIONER'S STATUS  
RETURN THIS FORM TO ORIGINATING OFFICE WITH COMPLETE FILE

UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE

NOTICE OF APPROVAL OF RELATIVE IMMIGRANT VISA PETITION

NAME AND ADDRESS OF PETITIONER

NAME OF BENEFICIARY	
CLASSIFICATION	FILE NO.
DATE PETITION FILED	DATE OF APPROVAL OF PETITION

DATE:

The visa petition you filed has been approved. The beneficiary for whom you filed has been given the appropriate classification. Note the approval gives no assurance that the beneficiary will automatically be found eligible for visa issuance, admission to the United States or adjustment to lawful permanent resident status. Whether the beneficiary gets a visa is decided only when an application is made to a consular officer; whether the beneficiary is admitted or adjusts status in the United States is decided only when an application is made to an immigration officer.

1. ☐ YOUR PETITION TO CLASSIFY THE BENEFICIARY AS AN IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN HAS BEEN FORWARDED TO THE UNITED STATES CONSULATE AT \_\_\_\_\_. THIS COMPLETES ALL ACTION BY THIS SERVICE ON THE PETITION. THE UNITED STATES CONSULATE, WHICH IS PART OF THE DEPARTMENT OF STATE, WILL CONTACT THE BENEFICIARY AND GIVE INSTRUCTIONS ABOUT GETTING A VISA. QUESTIONS ABOUT GETTING A VISA SHOULD BE MADE TO THE UNITED STATES CONSUL.
2. ☐ IF YOU BECOME A NATURALIZED CITIZEN OF THE UNITED STATES AND AN IMMIGRANT VISA HAS NOT YET BEEN ISSUED TO THE BENEFICIARY, NOTIFY THIS OFFICE IMMEDIATELY, GIVING THE DATE OF YOUR NATURALIZATION. IF THE PETITION WAS IN BEHALF OF YOUR SON OR DAUGHTER, PLEASE ADVISE WHETHER THAT PERSON IS STILL UNMARRIED. THIS INFORMATION MAY BE HELPFUL TO THE BENEFICIARY IN GETTING A VISA FASTER.
3. ☐ YOUR PETITION FOR PREFERENCE CLASSIFICATION HAS BEEN FORWARDED TO THE UNITED STATES CONSULATE AT \_\_\_\_\_. THIS COMPLETES ALL ACTION BY THE SERVICE. THIS SERVICE DOES NOT ISSUE VISAS IN OTHER COUNTRIES. VISAS ARE ISSUED ONLY BY UNITED STATES CONSULS WHO ARE EMPLOYEES OF THE UNITED STATES DEPARTMENT OF STATE. WHEN THE BENEFICIARY'S TURN IS REACHED ON THE VISA WAITING LIST, THE UNITED STATES CONSUL WILL CONTACT THE BENEFICIARY AND GIVE INSTRUCTIONS ABOUT GETTING A VISA. VISAS ARE ISSUED ACCORDING TO THE DATE THE PETITION WAS FILED. QUESTIONS ABOUT GETTING A VISA SHOULD BE ADDRESSED TO THE UNITED STATES CONSUL.
4. ☐ YOUR PETITION SAYS THAT THE BENEFICIARY IS IN THE UNITED STATES AND WILL APPLY TO BECOME A LAWFUL PERMANENT RESIDENT. THE ENCLOSED APPLICATION (FORM I-485) SHOULD BE COMPLETED AND SUBMITTED BY THE BENEFICIARY WITHIN 30 DAYS. (IF THE BENEFICIARY PREVIOUSLY SUBMITTED SUCH AN APPLICATION AND HAD IT RETURNED, IT SHOULD BE RESUBMITTED WITHIN 30 DAYS.)
5. ☐ THE BENEFICIARY WILL BE INFORMED OF THE DECISION MADE ON THE PENDING APPLICATION TO BECOME A LAWFUL PERMANENT RESIDENT.
6. ☐ THE PETITION SAYS THAT THE BENEFICIARY IS IN THE UNITED STATES AND WILL APPLY TO BECOME A LAWFUL PERMANENT RESIDENT. THE BENEFICIARY MAY NOT APPLY TO BECOME A PERMANENT RESIDENT, HOWEVER, UNTIL A VISA NUMBER IS AVAILABLE. INFORMATION ABOUT VISA NUMBERS MAY BE OBTAINED FROM THE UNITED STATES DEPARTMENT OF STATE, BUREAU OF CONSULAR AFFAIRS, WASHINGTON, D.C.
7. ☐ ORIGINAL DOCUMENTS SUBMITTED IN SUPPORT OF YOUR PETITION UNACCOMPANIED BY COPIES HAVE BEEN MADE A PERMANENT PART OF THE PETITION. ANY OTHERS ARE BEING RETURNED WITH THIS FORM.
8. ☐ REMARKS.

VERY TRULY YOURS,

DISTRICT DIRECTOR

UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE

NOTICE OF APPROVAL OF RELATIVE IMMIGRANT VISA PETITION

NAME AND ADDRESS OF PETITIONER

NAME OF BENEFICIARY	
CLASSIFICATION	FILE NO.
DATE PETITION FILED	DATE OF APPROVAL OF PETITION

DATE:

The visa petition you filed has been approved. The beneficiary for whom you filed has been given the appropriate classification. Note the approval gives no assurance that the beneficiary will automatically be found eligible for visa issuance, admission to the United States or adjustment to lawful permanent resident status. Whether the beneficiary gets a visa is decided only when an application is made to a consular officer; whether the beneficiary is admitted or adjusts status in the United States is decided only when an application is made to an immigration officer.

1. ☐ YOUR PETITION TO CLASSIFY THE BENEFICIARY AS AN IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN HAS BEEN FORWARDED TO THE UNITED STATES CONSULATE AT \_\_\_\_\_. THIS COMPLETES ALL ACTION BY THIS SERVICE ON THE PETITION. THE UNITED STATES CONSULATE, WHICH IS PART OF THE DEPARTMENT OF STATE, WILL CONTACT THE BENEFICIARY AND GIVE INSTRUCTIONS ABOUT GETTING A VISA. QUESTIONS ABOUT GETTING A VISA SHOULD BE MADE TO THE UNITED STATES CONSUL.
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8. ☐ REMARKS.

VERY TRULY YOURS,

DISTRICT DIRECTOR

UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE

NOTICE OF APPROVAL OF RELATIVE IMMIGRANT VISA PETITION

NAME AND ADDRESS OF PETITIONER

NAME OF BENEFICIARY	
CLASSIFICATION	FILE NO.
DATE PETITION FILED	DATE OF APPROVAL OF PETITION

DATE:

The visa petition you filed has been approved. The beneficiary for whom you filed has been given the appropriate classification. Note the approval gives no assurance that the beneficiary will automatically be found eligible for visa issuance, admission to the United States or adjustment to lawful permanent resident status. Whether the beneficiary gets a visa is decided only when an application is made to a consular officer; whether the beneficiary is admitted or adjusts status in the United States is decided only when an application is made to an immigration officer.

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7. ☐ ORIGINAL DOCUMENTS SUBMITTED IN SUPPORT OF YOUR PETITION UNACCOMPANIED BY COPIES HAVE BEEN MADE A PERMANENT PART OF THE PETITION. ANY OTHERS ARE BEING RETURNED WITH THIS FORM.
8. ☐ REMARKS.

VERY TRULY YOURS,

DISTRICT DIRECTOR



UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE

NOTICE OF APPROVAL OR EXTENSION OF NONIMMIGRANT VISA PETITION OF H OR L ALIEN

NAME AND ADDRESS OF EMPLOYER OR TRAINER

Name of Beneficiary or Beneficiaries	
Classification	File Number
Date of Approval	Valid to Date

The approval of the petition is a determination that the beneficiary is classifiable under a specified nonimmigrant classification. The approval is no assurance that the beneficiary will be found eligible for visa issuance, admitted to the United States, receive a change of nonimmigrant status, or obtain an extension of temporary stay. Eligibility for visa issuance is determined only when application is made to a consular officer. Eligibility for admission or change of status is determined only when application is made to an immigration officer. Also, please note the items below which are indicated by "X" marks concerning this petition.

- ☐ The petition has been forwarded to the United States Consulate at \_\_\_\_\_ where the beneficiary or beneficiaries will apply for visa issuance. Any inquiry concerning visa issuance should be directed to the consulate.
- ☐ The beneficiary(ies) will not require visa(s) to enter the United States. Notice of approval of the petition has been forwarded to the port of entry at \_\_\_\_\_. Please notify this office of any changes in the intended port of entry.
- ☐ It is indicated that the beneficiary is in the United States. The beneficiary may apply to change status to the nonimmigrant classification shown above by submitting Form I-506, or if already in the above status, may apply for extension of temporary stay on Form I-539 at this office.
- ☐ The following businesses and positions are eligible under this L-1 blanket classification. The file number above must be furnished to an American consular officer each time a visa is requested:

IMPORTANT

The petitioner is required to notify this office immediately if the employment or training specified in this petition is terminated before the expiration of the approved visa petition. In the case of a blanket petition you must notify this office of any change in the business interrelationship(s) or employment of the beneficiary.

WARNING ON VIOLATION OF NONIMMIGRANT STATUS

The beneficiary may not commence employment until the status authorizing such employment is granted; remain in the U. S. beyond the validity of this petition; or accept employment or training not specified in this petition. Any unauthorized employment is a violation of status and would result in a denial under Section 245, Adjustment to Permanent Residence, and Section 248, Change of Nonimmigrant Status.

INFORMATION REGARDING BENEFICIARYS DEPARTURE AND RETURN

Do not make copies of this notice except in the case of an L-1 blanket petition. You may furnish this form only to beneficiaries who are not in possession of a valid H or L visa and who desire to depart from and return to the United States to resume the same employment or training during the period for which the petition is valid. Additional forms will be issued by this office upon written request by the petitioner furnishing the file number and name of the beneficiary. If a new visa is required this notice should be presented to an American Consul abroad. If exempt from visa requirement, this notice should be presented at a U. S. port of entry. If the beneficiary desires to return to the same employment or training after the expiration of the validity of the petition, a new petition will be required. The beneficiary may be readmitted to this country only if found admissible under the immigration laws.

UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE

NOTICE OF APPROVAL OR EXTENSION OF NONIMMIGRANT VISA PETITION OF H OR L ALIEN

NAME AND ADDRESS OF EMPLOYER OR TRAINER

Name of Beneficiary or Beneficiaries	
Classification	File Number
Date of Approval	Valid to Date

The approval of the petition is a determination that the beneficiary is classifiable under a specified nonimmigrant classification. The approval is no assurance that the beneficiary will be found eligible for visa issuance, admitted to the United States, receive a change of nonimmigrant status, or obtain an extension of temporary stay. Eligibility for visa issuance is determined only when application is made to a consular officer. Eligibility for admission or change of status is determined only when application is made to an immigration officer. Also, please note the items below which are indicated by "X" marks concerning this petition.

- ☐ The petition has been forwarded to the United States Consulate at \_\_\_\_\_ where the beneficiary or beneficiaries will apply for visa issuance. Any inquiry concerning visa issuance should be directed to the consulate.
- ☐ The beneficiary(ies) will not require visa(s) to enter the United States. Notice of approval of the petition has been forwarded to the port of entry at \_\_\_\_\_. Please notify this office of any changes in the intended port of entry.
- ☐ It is indicated that the beneficiary is in the United States. The beneficiary may apply to change status to the nonimmigrant classification shown above by submitting Form I-506, or if already in the above status, may apply for extension of temporary stay on Form I-539 at this office.
- ☐ The following businesses and positions are eligible under this L-1 blanket classification. The file number above must be furnished to an American consular officer each time a visa is requested:

IMPORTANT

The petitioner is required to notify this office immediately if the employment or training specified in this petition is terminated before the expiration of the approved visa petition. In the case of a blanket petition you must notify this office of any change in the business interrelationship(s) or employment of the beneficiary.

WARNING ON VIOLATION OF NONIMMIGRANT STATUS

The beneficiary may not commence employment until the status authorizing such employment is granted; remain in the U. S. beyond the validity of this petition; or accept employment or training not specified in this petition. Any unauthorized employment is a violation of status and would result in a denial under Section 245, Adjustment to Permanent Residence, and Section 248, Change of Nonimmigrant Status.

INFORMATION REGARDING BENEFICIARYS DEPARTURE AND RETURN

Do not make copies of this notice except in the case of an L-1 blanket petition. You may furnish this form only to beneficiaries who are not in possession of a valid H or L visa and who desire to depart from and return to the United States to resume the same employment or training during the period for which the petition is valid. Additional forms will be issued by this office upon written request by the petitioner furnishing the file number and name of the beneficiary. If a new visa is required this notice should be presented to an American Consul abroad. If exempt from visa requirement, this notice should be presented at a U. S. port of entry. If the beneficiary desires to return to the same employment or training after the expiration of the validity of the petition, a new petition will be required. The beneficiary may be readmitted to this country only if found admissible under the immigration laws.

UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE

NOTICE OF APPROVAL OR EXTENSION OF NONIMMIGRANT VISA PETITION OF H OR L ALIEN

NAME AND ADDRESS OF EMPLOYER OR TRAINER

Name of Beneficiary or Beneficiaries	
Classification	File Number
Date of Approval	Valid to Date

The approval of the petition is a determination that the beneficiary is classifiable under a specified nonimmigrant classification. The approval is no assurance that the beneficiary will be found eligible for visa issuance, admitted to the United States, receive a change of nonimmigrant status, or obtain an extension of temporary stay. Eligibility for visa issuance is determined only when application is made to a consular officer. Eligibility for admission or change of status is determined only when application is made to an immigration officer. Also, please note the items below which are indicated by "X" marks concerning this petition.

- ☐ The petition has been forwarded to the United States Consulate at \_\_\_\_\_ where the beneficiary or beneficiaries will apply for visa issuance. Any inquiry concerning visa issuance should be directed to the consulate.
- ☐ The beneficiary(ies) will not require visa(s) to enter the United States. Notice of approval of the petition has been forwarded to the port of entry at \_\_\_\_\_. Please notify this office of any changes in the intended port of entry.
- ☐ It is indicated that the beneficiary is in the United States. The beneficiary may apply to change status to the nonimmigrant classification shown above by submitting Form I-506, or if already in the above status, may apply for extension of temporary stay on Form I-539 at this office.
- ☐ The following businesses and positions are eligible under this L-1 blanket classification. The file number above must be furnished to an American consular officer each time a visa is requested:

IMPORTANT

The petitioner is required to notify this office immediately if the employment or training specified in this petition is terminated before the expiration of the approved visa petition. In the case of a blanket petition you must notify this office of any change in the business interrelationship(s) or employment of the beneficiary.

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The beneficiary may not commence employment until the status authorizing such employment is granted; remain in the U. S. beyond the validity of this petition; or accept employment or training not specified in this petition. Any unauthorized employment is a violation of status and would result in a denial under Section 245, Adjustment to Permanent Residence, and Section 248, Change of Nonimmigrant Status.

INFORMATION REGARDING BENEFICIARYS DEPARTURE AND RETURN

Do not make copies of this notice except in the case of an L-1 blanket petition. You may furnish this form only to beneficiaries who are not in possession of a valid H or L visa and who desire to depart from and return to the United States to resume the same employment or training during the period for which the petition is valid. Additional forms will be issued by this office upon written request by the petitioner furnishing the file number and name of the beneficiary. If a new visa is required this notice should be presented to an American Consul abroad. If exempt from visa requirement, this notice should be presented at a U. S. port of entry. If the beneficiary desires to return to the same employment or training after the expiration of the validity of the petition, a new petition will be required. The beneficiary may be readmitted to this country only if found admissible under the immigration laws.

UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE

NOTICE OF APPROVAL OR EXTENSION OF NONIMMIGRANT VISA PETITION OF H OR L ALIEN

NAME AND ADDRESS OF EMPLOYER OR TRAINER

Name of Beneficiary or Beneficiaries	
Classification	File Number
Date of Approval	Valid to Date

The approval of the petition is a determination that the beneficiary is classifiable under a specified nonimmigrant classification. The approval is no assurance that the beneficiary will be found eligible for visa issuance, admitted to the United States, receive a change of nonimmigrant status, or obtain an extension of temporary stay. Eligibility for visa issuance is determined only when application is made to a consular officer. Eligibility for admission or change of status is determined only when application is made to an immigration officer. Also, please note the items below which are indicated by "X" marks concerning this petition.

- ☐ The petition has been forwarded to the United States Consulate at \_\_\_\_\_ where the beneficiary or beneficiaries will apply for visa issuance. Any inquiry concerning visa issuance should be directed to the consulate.
- ☐ The beneficiary(ies) will not require visa(s) to enter the United States. Notice of approval of the petition has been forwarded to the port of entry at \_\_\_\_\_. Please notify this office of any changes in the intended port of entry.
- ☐ It is indicated that the beneficiary is in the United States. The beneficiary may apply to change status to the nonimmigrant classification shown above by submitting Form I-506, or if already in the above status, may apply for extension of temporary stay on Form I-539 at this office.
- ☐ The following businesses and positions are eligible under this L-1 blanket classification. The file number above must be furnished to an American consular officer each time a visa is requested:

IMPORTANT

The petitioner is required to notify this office immediately if the employment or training specified in this petition is terminated before the expiration of the approved visa petition. In the case of a blanket petition you must notify this office of any change in the business interrelationship(s) or employment of the beneficiary.

WARNING ON VIOLATION OF NONIMMIGRANT STATUS

The beneficiary may not commence employment until the status authorizing such employment is granted; remain in the U. S. beyond the validity of this petition; or accept employment or training not specified in this petition. Any unauthorized employment is a violation of status and would result in a denial under Section 245, Adjustment to Permanent Residence, and Section 248, Change of Nonimmigrant Status.

INFORMATION REGARDING BENEFICIARY'S DEPARTURE AND RETURN

Do not make copies of this notice except in the case of an L-1 blanket petition. You may furnish this form only to beneficiaries who are not in possession of a valid H or L visa and who desire to depart from and return to the United States to resume the same employment or training during the period for which the petition is valid. Additional forms will be issued by this office upon written request by the petitioner furnishing the file number and name of the beneficiary. If a new visa is required this notice should be presented to an American Consul abroad. If exempt from visa requirement, this notice should be presented at a U. S. port of entry. If the beneficiary desires to return to the same employment or training after the expiration of the validity of the petition, a new petition will be required. The beneficiary may be readmitted to this country only if found admissible under the immigration laws.

FORM I-171C (Rev. 7-1-83) N

☐ CHECK THIS BOX WHEN COPY MAILED TO ATTORNEY OR REPRESENTATIVE FILE COPY



UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE

NOTICE OF APPROVAL OF NONIMMIGRANT VISA PETITION  
FOR FIANCÉ OR FIANCÉE

NAME AND ADDRESS OF PETITIONER \_\_\_\_\_

NAME OF BENEFICIARY	
FILE NO.	
DATE OF APPROVAL OF PETITION	PETITION IS VALID FOR FOUR MONTHS FROM DATE OF APPROVAL

Please be advised that approval of the petition constitutes a determination that the beneficiary is classifiable under a specified nonimmigrant classification. The approval constitutes no assurance that the beneficiary will be found eligible for visa issuance or admission to the United States. Eligibility for visa issuance is determined only when application therefor is made to a consular officer; eligibility for admission is determined only when application therefor is made to an immigration officer. Also, please note the items below which are indicated by "X" marks concerning this petition:

☐ THE PETITION HAS BEEN APPROVED AND FORWARDED TO THE UNITED STATES CONSULATE AT WHICH THE BENEFICIARY WILL APPLY FOR VISA ISSUANCE. ANY INQUIRY CONCERNING VISA ISSUANCE SHOULD BE DIRECTED TO THE CONSULATE AT \_\_\_\_\_

*This service will be unable to answer any inquiry concerning visa issuance.*

☐ DOCUMENTS WHICH YOU SUBMITTED IN SUPPORT OF YOUR PETITION HAVE SERVED OUR PURPOSE AND ARE RETURNED.

☐ REMARKS:

IMPORTANT

1. The approval of this petition is conditioned upon the beneficiary executing a statement before the American Consul of ability and intent to conclude a valid marriage with you within 90 days after arrival in the United States.
2. There are attached the application for permanent residence status forms which must be executed and filed by the beneficiary promptly after you and the beneficiary are legally married to each other. This notice should be submitted with that application when it is filed.
3. If for any reason, you and the beneficiary are not married to each other within 90 days after arrival in the United States, please report that fact to this office.
4. Separate applications for permanent residence status must be submitted by or on behalf of any children who may have accompanied or followed to join the beneficiary.

Very truly yours,

DISTRICT DIRECTOR

FORM I-171 F  
(REV. 10-14-78) Y

THIS COPY TO BE MAILED TO PETITIONER

UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE

NOTICE OF APPROVAL OF NONIMMIGRANT VISA PETITION  
FOR FIANCÉ OR FIANCÉE

NAME AND ADDRESS OF PETITIONER

NAME OF BENEFICIARY	
FILE NO.	
DATE OF APPROVAL OF PETITION	PETITION IS VALID FOR FOUR MONTHS FROM DATE OF APPROVAL

Please be advised that approval of the petition constitutes a determination that the beneficiary is classifiable under a specified nonimmigrant classification. The approval constitutes no assurance that the beneficiary will be found eligible for visa issuance or admission to the United States. Eligibility for visa issuance is determined only when application therefor is made to a consular officer; eligibility for admission is determined only when application therefor is made to an immigration officer. Also, please note the items below which are indicated by "X" marks concerning this petition:

☐

THE PETITION HAS BEEN APPROVED AND FORWARDED TO THE UNITED STATES CONSULATE AT WHICH THE BENEFICIARY WILL APPLY FOR VISA ISSUANCE. ANY INQUIRY CONCERNING VISA ISSUANCE SHOULD BE DIRECTED TO THE CONSULATE AT

*This service will be unable to answer any inquiry concerning visa issuance.*

☐

DOCUMENTS WHICH YOU SUBMITTED IN SUPPORT OF YOUR PETITION HAVE SERVED OUR PURPOSE AND ARE RETURNED.

☐

REMARKS:

IMPORTANT

1. The approval of this petition is conditioned upon the beneficiary executing a statement before the American Consul of ability and intent to conclude a valid marriage with you within 90 days after arrival in the United States.
2. There are attached the application for permanent residence status forms which must be executed and filed by the beneficiary promptly after you and the beneficiary are legally married to each other. This notice should be submitted with that application when it is filed.
3. If for any reason, you and the beneficiary are not married to each other within 90 days after arrival in the United States, please report that fact to this office.
4. Separate applications for permanent residence status must be submitted by or on behalf of any children who may have accompanied or followed to join the beneficiary.

Very truly yours,

DISTRICT DIRECTOR

FORM I-171 F  
(REV. 10-14-76) Y

THIS COPY TO BE MAILED TO THE ATTORNEY OR REPRESENTATIVE, IF ANY

UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE

NOTICE OF APPROVAL OF NONIMMIGRANT VISA PETITION  
FOR FIANCE OR FIANCEE

NAME AND ADDRESS OF PETITIONER \_\_\_\_\_

NAME OF BENEFICIARY	
FILE NO.	
DATE OF APPROVAL OF PETITION	PETITION IS VALID FOR FOUR MONTHS FROM DATE OF APPROVAL

Please be advised that approval of the petition constitutes a determination that the beneficiary is classifiable under a specified nonimmigrant classification. The approval constitutes no assurance that the beneficiary will be found eligible for visa issuance or admission to the United States. Eligibility for visa issuance is determined only when application therefor is made to a consular officer; eligibility for admission is determined only when application therefor is made to an immigration officer. Also, please note the items below which are indicated by "X" marks concerning this petition:

☐

THE PETITION HAS BEEN APPROVED AND FORWARDED TO THE UNITED STATES CONSULATE AT WHICH THE BENEFICIARY WILL APPLY FOR VISA ISSUANCE. ANY INQUIRY CONCERNING VISA ISSUANCE SHOULD BE DIRECTED TO THE CONSULATE AT \_\_\_\_\_

*This service will be unable to answer any inquiry concerning visa issuance.*

☐

DOCUMENTS WHICH YOU SUBMITTED IN SUPPORT OF YOUR PETITION HAVE SERVED OUR PURPOSE AND ARE RETURNED.

☐

REMARKS:

Check appropriate block when applicable.

☐ Post-audit of citizenship has been requested.

☐ Copy mailed to attorney or representative.

DISTRICT DIRECTOR

FORM I-171 F  
(REV. 10-14-78) Y

THIS COPY TO BE PLACED IN BENEFICIARY'S "A" FILE

UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE

REQUEST FOR POST AUDIT OF CITIZENSHIP AFTER APPROVAL  
OF FORM I-129F PETITION FOR FIANCÉ OR FIANCÉE

NAME AND ADDRESS OF PETITIONER

NAME OF BENEFICIARY	
FILE NO.	
DATE OF APPROVAL OF PETITION	PETITION IS VALID FOR FOUR MONTHS FROM DATE OF APPROVAL

THE FOLLOWING INFORMATION RELATES TO PETITIONER

IF NATURALIZED

1. CERTIFICATE NO. ....	_____
2. NAME IN WHICH PETITIONER NATURALIZED IF DIFFERENT FROM NAME SHOWN ABOVE .....	_____
3. DATE OF BIRTH .....	_____
4. COURT (TITLE and LOCATION) .....	_____
5. DATE OF NATURALIZATION .....	_____

IF CERTIFICATE OF CITIZENSHIP ISSUED

1. CERTIFICATE NO. ....	_____
2. NAME IN WHICH CERTIFICATE ISSUED IF DIFFERENT FROM NAME SHOWN ABOVE .....	_____
3. DATE OF BIRTH .....	_____
4. PLACE OF ISSUE .....	_____
5. DATE OF ISSUE .....	_____

AFTER VERIFICATION — DESTROY THIS FORM

IF UNABLE TO VERIFY, STAMP THIS FORM "UNABLE TO VERIFY" AND RETURN TO ORIGINATING OFFICE

IF DATA IN FILE RAISES QUESTION OF PETITIONER'S STATUS  
RETURN THIS FORM TO ORIGINATING OFFICE WITH COMPLETE FILE

DISTRICT DIRECTOR



U.S. Department of Justice  
Immigration and Naturalization Service

Application For Advance Permission  
To Enter As Nonimmigrant  
(Pursuant to Section 212(d)(3) of  
the Immigration and Nationality Act)

OMB No. 1115-0028  
Approval expires 2-84

Fee Stamp

(Please read instructions on reverse)

File No. \_\_\_\_\_

I hereby apply to the Attorney General for permission to enter the United States temporarily under the provisions of section 212(d)(3) of the Immigration and Nationality Act.

1. FULL NAME (Print)		2. DATE OF BIRTH
3. PLACE OF BIRTH (City-Town, State/Province, Country)		4. PRESENT CITIZENSHIP
5. PRESENT ADDRESS		
6. DURING THE PAST FIVE YEARS I HAVE RESIDED AT THE FOLLOWING PLACES:		
7. DESIRED PORT OF ENTRY INTO U.S.		8. MEANS OF TRANSPORTATION
9. PROPOSED DATE OF ENTRY	10. APPROXIMATE LENGTH OF STAY IN THE UNITED STATES:	
11. MY PURPOSE FOR ENTERING THE UNITED STATES IS: (Explain fully)		
12. I BELIEVE I MAY BE INADMISSIBLE TO THE UNITED STATES FOR THE FOLLOWING REASONS AND NO OTHERS:		
13. I <input type="checkbox"/> have <input type="checkbox"/> have not heretofore filed an application for advance permission to enter as a nonimmigrant, on _____, 19____, at _____		
14. I understand that the information herein contained may be used in any proceedings (including civil or criminal judicial proceedings, or deportation or exclusion proceedings) hereafter instituted against me. I certify that the statements above and all attachments hereto are true and correct to the best of my knowledge and belief.		
_____ (Signature of Applicant)		_____ (Date)
15. SIGNATURE OF PERSON PREPARING FORM IF OTHER THAN APPLICANT		
I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.		
_____ (Signature)	_____ (Address)	_____ (Date)

Form I-192 (Rev. 5-5-83)N

RECEIVED	TRANS. IN	RET'D TRANS. OUT	COMPLETED

**ACTION BY IMMIGRATION AND NATURALIZATION SERVICE**

☐ Granted, subject to revocation at any time, upon the following terms and conditions:

DATE OF ACTION

DD OR OIC

OFFICE

**INSTRUCTIONS**

1. This application must be executed in duplicate and filed with the district director having jurisdiction over the port of entry.
2. A fee of thirty-five dollars (\$35) must be paid for filing this application. It cannot be refunded regardless of the action taken on the application. **DO NOT MAIL CASH. ALL FEES MUST BE SUBMITTED IN THE EXACT AMOUNT.** Payment by check or money order must be drawn on a bank or other institution located in the United States and be payable in United States currency. If applicant resides in Guam, check or money order must be payable to the "Treasurer, Guam." If applicant resides in the Virgin Islands, check or money order must be payable to the "Commissioner of Finance of the Virgin Islands." All other applicants must make the check or money order payable to the "Immigration and Naturalization Service." When check is drawn on account of a person other than the applicant, the name of the applicant must be entered on the face of the check. If application is submitted from outside the United States, remittance may be made by bank international money order or foreign draft drawn on a financial institution in the United States and payable to the Immigration and Naturalization Service in United States currency. Personal checks are accepted subject to collectibility. An uncollectible check will render the application and any document issued pursuant thereto invalid. A charge of \$5.00 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn.
3. If application is made because applicant may be inadmissible due to present or past membership in or affiliation with any Communist or other totalitarian party or organization, there shall be attached to the application a written statement of the history of applicant's membership or affiliation including the period of such membership or affiliation, whether applicant held any office in the organization, and whether membership or affiliation was voluntary or involuntary. If involuntary membership or affiliation is alleged, there shall also be attached to the application a written statement to support said allegation.
4. If application is made because applicant may be inadmissible due to disease, mental or physical defect or disability of any kind, the application shall describe the disease, defect or disability. If the purpose of seeking admission to the United States is for treatment, there shall be attached to the application statements in writing to establish —
  - (a) that satisfactory treatment cannot be obtained outside the United States,
  - (b) that arrangements have been completed for treatment, and where and from whom treatment will be received,
  - (c) what financial arrangements for payment of expenses incurred in connection with the treatment have been made, and
  - (d) that a bond will be available if required by the Attorney General.
5. If application is made because applicant may be inadmissible due to conviction of crime, the designation of the crime, the date and place of its commission and of the conviction thereof, and the sentence or other judgment of the court shall be stated in the application. In such case the application should be supplemented by official record of conviction, and any other documents relating to commutation of sentence, parole, probation, or pardon.



**UNITED STATES DEPARTMENT OF JUSTICE**  
**Immigration and Naturalization Service**

**FILE:**

**DATE:**

**IN RE:**

**APPLICATION:** Temporary admission to the United States pursuant to  
section 212(d) (3) ( ), Immigration and Nationality Act

The applicant(s) has (have) been found by a ☐ consular officer  
☐ immigration officer to be ineligible to receive a nonimmigrant

visa under Section(s) 212(a) \_\_\_\_\_ of the Act.

Nationality:	Date and Country of Birth:	Country of Residence:
Occupation:	Employer:	
Purpose in seeking entry into United States and destination:		
Plans regarding travel to United States and period of temporary stay:		
Basis for favorable action:		

**ORDER:** It is ordered that the application be granted for the above indicated purpose, subject to revocation at any time, valid as set forth below.

**ENTRY:**

**PERIOD OF TEMPORARY STAY:**

UNITED STATES DEPARTMENT OF JUSTICE  
Immigration and Naturalization Service

FILE:

DATE:

IN RE:

APPLICATION: Temporary admission to the United States pursuant to  
section 212(d) (3) ( ), Immigration and Nationality Act

The applicant(s) has (have) been found by a ☐ consular officer  
☐ immigration officer to be ineligible to receive a nonimmigrant

visa under Section(s) 212(a) \_\_\_\_\_ of the Act.

Nationality:	Date and Country of Birth:	Country of Residence:
Occupation:	Employer:	
Purpose in seeking entry into United States and destination:		
Plans regarding travel to United States and period of temporary stay:		
Basis for favorable action:		

ORDER: It is ordered that the application be granted for the above indicated purpose, subject to revocation at any time, valid as set forth below.

ENTRY:

PERIOD OF TEMPORARY STAY:

Form I-194  
(Rev. 2-1-82) Y

Visa Office, Department of State  
[For use in Section 212(d)(3) (A) cases only]

UNITED STATES DEPARTMENT OF JUSTICE  
Immigration and Naturalization Service

FILE:

DATE:

IN RE:

APPLICATION: Temporary admission to the United States pursuant to  
section 212(d) (3) ( ), Immigration and Nationality Act

The applicant(s) has (have) been found by a ☐ consular officer  
☐ immigration officer to be ineligible to receive a nonimmigrant

visa under Section(s) 212(a) \_\_\_\_\_ of the Act.

Nationality:	Date and Country of Birth:	Country of Residence:
Occupation:	Employer:	
Purpose in seeking entry into United States and destination:		
Plans regarding travel to United States and period of temporary stay:		
Basis for favorable action:		

ORDER: It is ordered that the application be granted for the above indicated purpose, subject to revocation  
at any time, valid as set forth below.

ENTRY:

PERIOD OF TEMPORARY STAY:

UNITED STATES DEPARTMENT OF JUSTICE  
Immigration and Naturalization Service

FILE:

DATE:

IN RE:

APPLICATION: Temporary admission to the United States pursuant to  
section 212(d)(3) ( ), Immigration and Nationality Act

The applicant(s) has (have) been found by a ☐ consular officer  
☐ immigration officer to be ineligible to receive a nonimmigrant

visa under Section(s) 212(a) \_\_\_\_\_ of the Act.

Nationality:	Date and Country of Birth:	Country of Residence:
Occupation:	Employer:	
Purpose in seeking entry into United States and destination:		
Plans regarding travel to United States and period of temporary stay:		
Basis for favorable action:		

ORDER: It is ordered that the application be granted for the above indicated purpose, subject to revocation  
at any time, valid as set forth below.

ENTRY:

PERIOD OF TEMPORARY STAY:

Form I-194  
(Rev. 2-1-52) Y

Port of Entry [For use in Section 212(d)(3) (B) cases only]



UNITED STATES DEPARTMENT OF JUSTICE  
Immigration and Naturalization Service

PLEASE REFER TO THIS FILE NUMBER

Please note the below checked action which has been taken in your case. Date:

- ☐ You have violated the terms of your admission as a nonimmigrant. Consequently, permission previously granted you to remain in the United States is rescinded. You are required to depart from the United States at your own expense on or before \_\_\_\_\_
- ☐ In accordance with a decision made in your case you are required to depart from the United States at your own expense on or before \_\_\_\_\_
- ☐ Your request for an extension of time in which to depart from the United States has been \_\_\_\_\_ You are required to depart on or before \_\_\_\_\_

You must notify this office, Room No. \_\_\_\_\_, on or before \_\_\_\_\_ of the arrangements you have made to effect your departure, including the date, place, and manner.

Failure to depart on or before the specified date may result in the withdrawal of voluntary departure and action being taken to effect your deportation.

If there is a bond outstanding in your case, you are warned that to expedite cancellation of the bond and return of the collateral posted, you must make advance arrangements with this office to have your departure witnessed by an officer of this Service.

USE THE ENCLOSED SELF-ADDRESSED CARD TO NOTIFY THIS OFFICE REGARDING DEPARTURE ARRANGEMENTS. POSTAGE IS NOT REQUIRED. At the time of your departure, do not fail to surrender Form I-94, ARRIVAL-DEPARTURE RECORD, in accordance with instructions on that form.

Very truly yours,

FOR IMMIGRATION AND NATURALIZATION USE ONLY

Departed:

Port \_\_\_\_\_ Date \_\_\_\_\_ ☐ I-94 stamped ☐ I-530 submitted  
To \_\_\_\_\_ Via \_\_\_\_\_ ☐ I-161 prepared ☐ I-156 prepared

FORM I-218  
(Rev. 6-12-80) Y

ORIGINAL TO ALIEN

UNITED STATES DEPARTMENT OF JUSTICE  
Immigration and Naturalization Service

PLEASE REFER TO THIS FILE NUMBER

Please note the below checked action which has been taken in your case. Date:

- ☐ You have violated the terms of your admission as a nonimmigrant. Consequently, permission previously granted you to remain in the United States is rescinded. You are required to depart from the United States at your own expense on or before \_\_\_\_\_
- ☐ In accordance with a decision made in your case you are required to depart from the United States at your own expense on or before \_\_\_\_\_
- ☐ Your request for an extension of time in which to depart from the United States has been \_\_\_\_\_ You are required to depart on or before \_\_\_\_\_

You must notify this office, Room No. \_\_\_\_\_, on or before \_\_\_\_\_ of the arrangements you have made to effect your departure, including the date, place, and manner.

Failure to depart on or before the specified date may result in the withdrawal of voluntary departure and action being taken to effect your deportation.

If there is a bond outstanding in your case, you are warned that to expedite cancellation of the bond and return of the collateral posted, you must make advance arrangements with this office to have your departure witnessed by an officer of this Service.

USE THE ENCLOSED SELF-ADDRESSED CARD TO NOTIFY THIS OFFICE REGARDING DEPARTURE ARRANGEMENTS. POSTAGE IS NOT REQUIRED. At the time of your departure, do not fail to surrender Form I-94, ARRIVAL-DEPARTURE RECORD, in accordance with instructions on that form.

Very truly yours,

FOR IMMIGRATION AND NATURALIZATION USE ONLY

Departed:

Port \_\_\_\_\_ Date \_\_\_\_\_ ☐ I-94 stamped ☐ I-530 submitted  
To \_\_\_\_\_ Via \_\_\_\_\_ ☐ I-161 prepared ☐ I-156 prepared

UNITED STATES DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

PLEASE REFER TO THIS FILE NUMBER

Please note the below checked action which has been taken in your case. Date:

☐ You have violated the terms of your admission as a nonimmigrant. Consequently, permission previously granted you to remain in the United States is rescinded. You are required to depart from the United States at your own expense on or before \_\_\_\_\_

☐ In accordance with a decision made in your case you are required to depart from the United States at your own expense on or before \_\_\_\_\_

☐ Your request for an extension of time in which to depart from the United States has been \_\_\_\_\_ You are required to depart on or before \_\_\_\_\_

You must notify this office, Room No. \_\_\_\_\_, on or before \_\_\_\_\_ of the arrangements you have made to effect your departure, including the date, place, and manner.

Failure to depart on or before the specified date may result in the withdrawal of voluntary departure and action being taken to effect your deportation.

If there is a bond outstanding in your case, you are warned that to expedite cancellation of the bond and return of the collateral posted, you must make advance arrangements with this office to have your departure witnessed by an officer of this Service.

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Very truly yours,

FOR IMMIGRATION AND NATURALIZATION USE ONLY

Departed:

Port \_\_\_\_\_ Date \_\_\_\_\_ ☐ I-94 stamped ☐ I-530 submitted  
To \_\_\_\_\_ Via \_\_\_\_\_ ☐ I-151 prepared ☐ I-156 prepared



Application for Permission to Reapply  
for Admission Into the United States  
After Deportation or Removal

OMB No. 1115-0099  
Approval Expires 2-82

(To be filed in duplicate)

Read Instructions on Reverse

Date \_\_\_\_\_

Fee Stamp

I request permission to reapply for admission into the United States.

1. Name (Last) (First) (Middle)	2. File numbers on correspondence from U.S. Immigration Service (if known)
3. Name used when last deported or removed from the U.S.	4. Date of Birth
5. Other names used or known by	6. Place of Birth (city or town; state or province; and country)
7. Circumstances under which deported or removed from the United States (check applicable blocks) <input type="checkbox"/> Excluded and deported (less than one year ago) <input type="checkbox"/> Arrested and deported (less than five years ago) <input type="checkbox"/> Removed after having fallen into distress (less than five years ago) <input type="checkbox"/> Removed as alien enemy (less than five years ago) <input type="checkbox"/> Removed at U.S. Government expense in lieu of deportation (less than five years ago)	8. Length of residence in the United States (years) 9. Place of residence at time of deportation or removal from United States (city and state) 10. Place Deportation Hearing held or application for removal made (city)
11. Country to which deported or removed	12. Detention facility or jail where detained (city and state) (if not detained, write "None")
13. Date of deportation or removal from United States	14. Port of Departure from United States
15. Status desired if permitted to re-enter United States <input type="checkbox"/> Permanent Resident <input type="checkbox"/> Visitor <input type="checkbox"/> Student <input type="checkbox"/> Other (specify)	16. Reasons for desiring to re-enter the United States
17. Location of American Consulate where application for visa will be made (city and country)	18. Name and relationship of United States citizen or lawful resident alien spouse, parent or children, if any
19. Signature of Applicant	20. Street and number; city or town; state or province; and country of present residence

SIGNATURE OF PERSON PREPARING FORM, IF OTHER THAN APPLICANT

21. I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.

\_\_\_\_\_  
(Signature) (Address) (Date)

THIS SPACE FOR USE OF IMMIGRATION OFFICER	
File A— Decision	Date of Action  DD or OIC Office

RECEIVED	TRANS. IN	RET'D-TRANS. OUT	COMPLETED

## INSTRUCTIONS

Submit application in duplicate.

### PERSONS WHO ARE PERMITTED TO REAPPLY FOR ADMISSION WITHOUT FILING THIS APPLICATION

1. Persons who were excluded from admission and deported *more than one year ago*.
2. Persons who *voluntarily* departed from the United States without expense to the United States Government and without an order of deportation having been entered.
3. Persons who have been outside the United States for five successive years following their last deportation or removal.

### WHERE TO SUBMIT APPLICATION

1. If you are abroad and intend to apply for an immigrant visa, submit the application to the District Director of the Immigration and Naturalization Service of the district in which your deportation proceedings were held, unless you are concurrently applying for a waiver of grounds of excludability under Section 212(g), (h), or (i) of the Immigration and Nationality Act, as amended. In the latter event, this application should be filed with the American Consul with whom you are also filing your application for a waiver of the grounds of excludability. If you are abroad and intend to apply to an American Consul for a nonimmigrant visa or a border crossing card, this application should be filed with the American Consul with whom you are also filing your application for nonimmigrant visa or border crossing card, if requested to do so by the Consul.
2. If you are at a port of entry into the United States, applying for admission into the United States, submit the application to the District Director of the Immigration and Naturalization Service having jurisdiction over that port;
3. If you are in the United States and will file an application for waiver under Section 212(g), (h), or (i) of the Immigration and Nationality Act with an American consul you should file this application and the application for the waiver simultaneously with the American consul. If you are in the United States and are applying for adjustment of your status under Section 245 of the Act, or are seeking to be granted advance permission to reapply prior to your departure from the United States, submit the application to the District Director of the Immigration and Naturalization Service having jurisdiction over the place where you are residing.

### WHAT MUST ACCOMPANY YOUR APPLICATION

1. CORRESPONDENCE that you have in your possession relating to your deportation.
2. If you have listed any relative under Item 18 on the front, you must submit documentary evidence of your relationship to such person. In addition, if such person is a U.S. citizen, you must submit proof. If he/she is not a U.S. citizen, you must furnish such person's *full* name, date and place of birth and date and place of admission to the United States, and his/her Alien Registration number, if known.
3. If you wish, you may attach a statement giving the facts you believe the Immigration and Naturalization Service should consider in making a decision on your application, and you may attach any evidence in support of your statement.
4. Fee.

A fee of thirty-five dollars (\$35) must be paid for filing this application. It cannot be refunded regardless of the action taken on the application. **DO NOT MAIL CASH. ALL FEES MUST BE SUBMITTED IN THE EXACT AMOUNT.** Payment by check or money order must be drawn on a bank or other institution located in the United States and be payable in United States currency. If you reside in Guam, check or money order must be payable to the "Treasurer, Guam." If you reside in the Virgin Islands, check or money order must be payable to the "Commissioner of Finance of the Virgin Islands." All other applicants must make the check or money order payable to the "Immigration and Naturalization Service." When check is drawn on account of a person other than yourself, your name must be entered on the face of the check. If application is submitted from outside of the United States, remittance may be made by bank international money order or foreign draft drawn on a financial institution in the United States and payable to the Immigration and Naturalization Service in United States currency. Personal checks are accepted subject to collectibility. An uncollectible check will render the application and any document issued pursuant thereto invalid. A charge of \$5.00 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn.

**NOTE:** *Attach all correspondence in your possession relating to your deportation*



**NOTICE OF APPEAL TO THE BOARD OF IMMIGRATION APPEALS**

SUBMIT IN TRIPLICATE TO:

IMMIGRATION AND NATURALIZATION SERVICE

Fee Stamp

In the Matter of:

File No.

1. I hereby appeal to the Board of Immigration Appeals from the decision, dated \_\_\_\_\_, in the above entitled case.
2. Briefly, state reasons for this appeal.

3. I \_\_\_\_\_ desire oral argument before the Board of Immigration Appeals in Washington, D. C.  
(do) (do not)

4. I \_\_\_\_\_ filing a separate written brief or statement.  
(am) (am not)

\_\_\_\_\_  
Signature of Appellant (or attorney or representative)

\_\_\_\_\_  
(Print or type name)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address (Number, Street, City, State, Zip Code)

**IMPORTANT: SEE INSTRUCTIONS ON REVERSE SIDE OF THIS NOTICE**

Form I-290A  
(Rev. 10-31-79)N



U.S. Department of Justice  
Immigration and Naturalization Service

Notice of Appeal to Commissioner

**IMPORTANT: SEE INSTRUCTIONS ON REVERSE**

**SUBMIT SINGLE COPY TO:  
IMMIGRATION AND NATURALIZATION SERVICE**

FEE STAMP

In the Matter of:

File No.

1. I hereby appeal to the Commissioner from the decision, dated \_\_\_\_\_, in the above entitled case.
2. I \_\_\_\_\_ filing a written brief or a written statement with the above Service office within the time  
(am) (am not)  
allowed for such filing.
3. Briefly, state reasons for this appeal.

APPELLANT (OR ATTORNEY OR REPRESENTATIVE)

Name: \_\_\_\_\_  
(Type or Print)

Signature: \_\_\_\_\_

Address: \_\_\_\_\_  
(Number) (Street)

\_\_\_\_\_  
(Date) (City) (State) (Zip Code)

## INSTRUCTIONS

1. **Fees.** A fee of fifty dollars (\$50) must be paid for filing this appeal. It cannot be refunded regardless of the action taken on the appeal. **DO NOT MAIL CASH. ALL FEES MUST BE SUBMITTED IN THE EXACT AMOUNT.** Payment by check or money order must be drawn on a bank or other institution located in the United States and be payable in United States currency. If appellant resides in Guam, check or money order must be payable to the "Treasurer, Guam." If appellant resides in the Virgin Islands, check or money order must be payable to the "Commissioner of Finance of the Virgin Islands." All other appellant must make the check or money order payable to the "Immigration and Naturalization Service." When check is drawn on account of a person other than the appellant, the name of the appellant must be entered on the face of the check. If appeal is submitted from outside the United States, remittance may be made by bank international money order or foreign draft drawn on a financial institution in the United States and payable to the Immigration and Naturalization Service in United States currency. Personal checks are accepted subject to collectibility. An uncollectible check will render the appeal and any document issued pursuant thereto invalid. A charge of \$5.00 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn.
2. **Counsel.** In presenting and prosecuting this appeal the appellant may, if he desires, be represented at no expense to the Government by counsel or other duly authorized representatives. If the appellant is to be represented by counsel, a properly executed notice of appearance as attorney or representative, Form G-28, must be submitted. If the appellant is a corporation, this notice may be executed by the authorized official of that corporation.
3. **Briefs.** A brief in support of or in opposition to an appeal is not required, but if a brief is filed, it shall be submitted to the offices of the Immigration and Naturalization Service having administrative jurisdiction over the case within the time fixed for the appeal or within any other additional period designated by the Service officer who made the decision. Such officer, for good cause, may extend the time for filing a brief or reply brief.
4. **Oral argument.** Oral argument before Commissioner or officer designated by him may be requested by letter attached to this notice. The letter should set forth the reason oral argument is desired in support of or in lieu of a brief. If oral argument is granted, the officer to whom the appeal is taken will designate in writing the time, date, and place the oral argument may be heard. Oral argument in any one case should not extend beyond fifteen (15) minutes, unless arrangements for additional time are made in advance.
5. **Dismissal of appeals.** The Commissioner may deny oral argument and dismiss any appeal in which (i) the party concerned fails to specify the reasons for his appeal on the reverse side of this form, or (ii) the appeal is patently frivolous.
6. **Filing of Notice of Appeal.** The Notice of Appeal, with the required fee, must be submitted to the Immigration and Naturalization Service where the case is pending. The appeal must be submitted within fifteen days of the date of denial. Three additional days are allowed for appeal if your notice of denial was served by mail.
7. **Appeal in visa petition cases** is available only to the petitioner. The beneficiary in such cases has no standing to appeal.



UNITED STATES DEPARTMENT OF JUSTICE  
Immigration and Naturalization Service

REFER TO THIS FILE NO.

Date:

DECISION

Upon consideration, it is ordered that your \_\_\_\_\_

\_\_\_\_\_ be denied for the following reasons:

If you desire to appeal this decision, you may do so. Your notice of appeal must be filed within 15 days from the date of this notice, (18 days if this notice was received by mail). If no appeal is filed within the time allowed, this decision is final. Appeal in your case may be made to:

- ☐ Board of Immigration Appeals in Washington, D. C., on the enclosed Form I-290 A. (A fee of \$50.00 is required).
- ☐ Commissioner on the enclosed Form I-290 B. (A fee of \$50.00 is required).

If an appeal is desired, the Notice of Appeal shall be executed and filed with this office, together with the required fee. A brief or other written statement in support of your appeal may be submitted with the Notice of Appeal.

Any question which you may have will be answered by the local immigration office nearest your residence, or at the address shown in the heading to this letter.

Sincerely yours,

District Director

Enclosure(s)

UNITED STATES DEPARTMENT OF JUSTICE  
Immigration and Naturalization Service

REFER TO THIS FILE NO.

Date:

DECISION

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Enclosure(s)

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Immigration and Naturalization Service

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Immigration and Naturalization Service

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Enclosure(s)

UNITED STATES DEPARTMENT OF JUSTICE  
Immigration and Naturalization Service

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DECISION

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District Director

Enclosure(s)

UNITED STATES DEPARTMENT OF JUSTICE  
Immigration and Naturalization Service

REFER TO THIS FILE NO.

Date:

DECISION

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Any question which you may have will be answered by the local immigration office nearest your residence, or at the address shown in the heading to this letter.

Sincerely yours,

District Director

Enclosure(s)



U.S. Department of Justice  
Immigration and Naturalization Service

CAQJ-7

NOTICE OF ☐ THIRD ☐ SIXTH PREFERENCE PETITION APPROVED UNDER SECTION 203 (a)  
OF THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED.**IMPORTANT: IF THERE IS ANY CHANGE IN YOUR INTENTION  
TO EMPLOY OR BE EMPLOYED IN THE CAPACITY INDICATED  
IN THE JOB OFFER, NOTIFY THIS OFFICE IMMEDIATELY.**

Name of Beneficiary	File No.	Date of Notice
Country of birth	Occupation	Date Petition Filed

**VALIDITY:** The approval of a petition for third or sixth preference classification is valid for as long as the supporting labor certification is valid and unexpired, provided there is no change in the respective intentions of the prospective employer and the beneficiary that the beneficiary will be employed by the employer in the capacity indicated in the supporting job offer.

Please be advised that approval of the petition confers upon the beneficiary an appropriate classification. The approval constitutes no assurance that the beneficiary will be found eligible for admission to the United States, adjustment to lawful permanent resident status, or visa issuance. Eligibility for admission or adjustment is determined only when application therefor is made to an immigration officer; eligibility for visa issuance is determined only when application therefor is made to a consular officer who is under the jurisdiction of the U.S. Department of State. If the beneficiary's approved petition has been forwarded to a United States consulate, all inquiries concerning issuance of a visa for the beneficiary should be addressed to the Consul. In addition, please note the items below which are indicated by "X" marks concerning this petition:

- ☐ Your petition for preference classification has been approved by the Service and forwarded to the United States Consulate at \_\_\_\_\_ . Under the law only a limited number of visas may be issued by the Department of State during each year, and they must be issued strictly in the order in which petitions were filed for the same classification. When the beneficiary's turn is reached on the visa waiting list, the United States Consul will inform the beneficiary and consider issuance of the visa.
- ☐ The petition has been approved. It was forwarded to the United States Consulate at \_\_\_\_\_ even though the petition states that the beneficiary is in the United States and will apply for adjustment of status to that of a lawful permanent resident. Under the law only a limited number of visas are available to applicants for each preference who are seeking adjustment of status to that of lawful permanent residents in the United States or immigrant visas abroad. Visas are issued strictly in the order in which petitions were filed for the same classification. Since a visa is not presently available, the beneficiary may not now apply for adjustment of status to that of a permanent resident. When the beneficiary's turn is reached on the visa waiting list, the United States Consul will inform the beneficiary and consider issuance of the visa.
- ☐ The petition has been approved and forwarded to the United States Consulate at \_\_\_\_\_. Although the petition states that the beneficiary is in the United States and will apply for adjustment of status to that of a lawful permanent resident, a review of the beneficiary's file reflects that the beneficiary may have continued in or accepted unauthorized employment after January 1, 1977 and prior to filing an application for adjustment of status. The beneficiary may therefore be statutorily ineligible for adjustment of status under section 245(c) of the Immigration and Nationality Act. If, however, the beneficiary is not statutorily ineligible for adjustment of status under section 245(c) of the Act, the beneficiary should file an application for adjustment of status (Form I-485), and the approved visa petition will be returned to this office.
- ☐ The petition has been approved. The petition states that the beneficiary is in the United States and will apply to become a lawful permanent resident. The enclosed application for this purpose (Form I-485) should be completed and submitted by the beneficiary within 30 days in accordance with the instructions contained therein. (If the beneficiary had previously submitted Form I-485 which was returned to him/her, he/she should submit that form within 30 days.)
- ☐ The petition has been approved. The beneficiary will be informed of the decision made on the pending application to become a lawful permanent resident (Form I-485).
- ☐ Remarks:

Very truly yours,

MAIL TO

NAME AND ADDRESS OF PETITIONER

DISTRICT DIRECTOR

U.S. Department of Justice  
Immigration and Naturalization Service

CADJ-7

NOTICE OF ☐ THIRD ☐ SIXTH PREFERENCE PETITION APPROVED UNDER SECTION 203 (a)  
OF THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED.

**IMPORTANT: IF THERE IS ANY CHANGE IN YOUR INTENTION  
TO EMPLOY OR BE EMPLOYED IN THE CAPACITY INDICATED  
IN THE JOB OFFER, NOTIFY THIS OFFICE IMMEDIATELY.**

Name of Beneficiary	File No.	Date of Notice
Country of birth	Occupation	Date Petition Filed

**VALIDITY:** The approval of a petition for third or sixth preference classification is valid for as long as the supporting labor certification is valid and unexpired, provided there is no change in the respective intentions of the prospective employer and the beneficiary that the beneficiary will be employed by the employer in the capacity indicated in the supporting job offer.

Please be advised that approval of the petition confers upon the beneficiary an appropriate classification. The approval constitutes no assurance that the beneficiary will be found eligible for admission to the United States, adjustment to lawful permanent resident status, or visa issuance. Eligibility for admission or adjustment is determined only when application therefor is made to an immigration officer; eligibility for visa issuance is determined only when application therefor is made to a consular officer who is under the jurisdiction of the U.S. Department of State. If the beneficiary's approved petition has been forwarded to a United States consulate, all inquiries concerning issuance of a visa for the beneficiary should be addressed to the Consul. In addition, please note the items below which are indicated by "X" marks concerning this petition:

- ☐ Your petition for preference classification has been approved by the Service and forwarded to the United States Consulate at \_\_\_\_\_ . Under the law only a limited number of visas may be issued by the Department of State during each year, and they must be issued strictly in the order in which petitions were filed for the same classification. When the beneficiary's turn is reached on the visa waiting list, the United States Consul will inform the beneficiary and consider issuance of the visa.
- ☐ The petition has been approved. It was forwarded to the United States Consulate at \_\_\_\_\_ even though the petition states that the beneficiary is in the United States and will apply for adjustment of status to that of a lawful permanent resident. Under the law only a limited number of visas are available to applicants for each preference who are seeking adjustment of status to that of lawful permanent residents in the United States or immigrant visas abroad. Visas are issued strictly in the order in which petitions were filed for the same classification. Since a visa is not presently available, the beneficiary may not now apply for adjustment of status to that of a permanent resident. When the beneficiary's turn is reached on the visa waiting list, the United States Consul will inform the beneficiary and consider issuance of the visa.
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- ☐ The petition has been approved. The beneficiary will be informed of the decision made on the pending application to become a lawful permanent resident (Form I-485).
- ☐ Remarks:

Very truly yours,

MAIL TO

NAME AND ADDRESS OF PETITIONER

DISTRICT DIRECTOR

U.S. SENATE

U.S. Department of Justice  
Immigration and Naturalization Service

CADJ-7

NOTICE OF ☐ THIRD ☐ SIXTH PREFERENCE PETITION APPROVED UNDER SECTION 203 (a)  
OF THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED.

**IMPORTANT: IF THERE IS ANY CHANGE IN YOUR INTENTION  
TO EMPLOY OR BE EMPLOYED IN THE CAPACITY INDICATED  
IN THE JOB OFFER, NOTIFY THIS OFFICE IMMEDIATELY.**

Name of Beneficiary		File No.	Date of Notice
Country of birth	Occupation	Date Petition Filed	

**VALIDITY:** The approval of a petition for third or sixth preference classification is valid for as long as the supporting labor certification is valid and unexpired, provided there is no change in the respective intentions of the prospective employer and the beneficiary that the beneficiary will be employed by the employer in the capacity indicated in the supporting job offer.

Please be advised that approval of the petition confers upon the beneficiary an appropriate classification. The approval constitutes no assurance that the beneficiary will be found eligible for admission to the United States, adjustment to lawful permanent resident status, or visa issuance. Eligibility for admission or adjustment is determined only when application therefor is made to an immigration officer; eligibility for visa issuance is determined only when application therefor is made to a consular officer who is under the jurisdiction of the U.S. Department of State. If the beneficiary's approved petition has been forwarded to a United States consulate, all inquiries concerning issuance of a visa for the beneficiary should be addressed to the Consul. In addition, please note the items below which are indicated by "X" marks concerning this petition:

- ☐ Your petition for preference classification has been approved by the Service and forwarded to the United States Consulate at \_\_\_\_\_ . Under the law only a limited number of visas may be issued by the Department of State during each year, and they must be issued strictly in the order in which petitions were filed for the same classification. When the beneficiary's turn is reached on the visa waiting list, the United States Consul will inform the beneficiary and consider issuance of the visa.
- ☐ The petition has been approved. It was forwarded to the United States Consulate at \_\_\_\_\_ even though the petition states that the beneficiary is in the United States and will apply for adjustment of status to that of a lawful permanent resident. Under the law only a limited number of visas are available to applicants for each preference who are seeking adjustment of status to that of lawful permanent residents in the United States or immigrant visas abroad. Visas are issued strictly in the order in which petitions were filed for the same classification. Since a visa is not presently available, the beneficiary may not now apply for adjustment of status to that of a permanent resident. When the beneficiary's turn is reached on the visa waiting list, the United States Consul will inform the beneficiary and consider issuance of the visa.
- ☐ The petition has been approved and forwarded to the United States Consulate at \_\_\_\_\_ . Although the petition states that the beneficiary is in the United States and will apply for adjustment of status to that of a lawful permanent resident, a review of the beneficiary's file reflects that the beneficiary may have continued in or accepted unauthorized employment after January 1, 1977 and prior to filing an application for adjustment of status. The beneficiary may therefore be statutorily ineligible for adjustment of status under section 245(c) of the Immigration and Nationality Act. If, however, the beneficiary is not statutorily ineligible for adjustment of status under section 245(c) of the Act, the beneficiary should file an application for adjustment of status (Form I-485), and the approved visa petition will be returned to this office.
- ☐ The petition has been approved. The petition states that the beneficiary is in the United States and will apply to become a lawful permanent resident. The enclosed application for this purpose (Form I-485) should be completed and submitted by the beneficiary within 30 days in accordance with the instructions contained therein. (If the beneficiary had previously submitted Form I-485 which was returned to him/her, he/she should submit that form within 30 days.)
- ☐ The petition has been approved. The beneficiary will be informed of the decision made on the pending application to become a lawful permanent resident (Form I-485).
- ☐ Remarks:

Very truly yours,

MAIL TO

NAME AND ADDRESS OF PETITIONER

DISTRICT DIRECTOR

U.S. HOUSE OF REPRESENTATIVES

U.S. Department of Justice  
Immigration and Naturalization Service

CA0J-7

NOTICE OF ☐ THIRD ☐ SIXTH PREFERENCE PETITION APPROVED UNDER SECTION 203 (a)  
OF THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED.**IMPORTANT: IF THERE IS ANY CHANGE IN YOUR INTENTION  
TO EMPLOY OR BE EMPLOYED IN THE CAPACITY INDICATED  
IN THE JOB OFFER, NOTIFY THIS OFFICE IMMEDIATELY.**

Name of Beneficiary	File No.	Date of Notice
Country of birth	Occupation	Date Petition Filed

**VALIDITY:** The approval of a petition for third or sixth preference classification is valid for as long as the supporting labor certification is valid and unexpired, provided there is no change in the respective intentions of the prospective employer and the beneficiary that the beneficiary will be employed by the employer in the capacity indicated in the supporting job offer.

Please be advised that approval of the petition confers upon the beneficiary an appropriate classification. The approval constitutes no assurance that the beneficiary will be found eligible for admission to the United States, adjustment to lawful permanent resident status, or visa issuance. Eligibility for admission or adjustment is determined only when application therefor is made to an immigration officer; eligibility for visa issuance is determined only when application therefor is made to a consular officer who is under the jurisdiction of the U.S. Department of State. If the beneficiary's approved petition has been forwarded to a United States consulate, all inquiries concerning issuance of a visa for the beneficiary should be addressed to the Consul. In addition, please note the items below which are indicated by "X" marks concerning this petition:

- ☐ Your petition for preference classification has been approved by the Service and forwarded to the United States Consulate at \_\_\_\_\_ . Under the law only a limited number of visas may be issued by the Department of State during each year, and they must be issued strictly in the order in which petitions were filed for the same classification. When the beneficiary's turn is reached on the visa waiting list, the United States Consul will inform the beneficiary and consider issuance of the visa.
- ☐ The petition has been approved. It was forwarded to the United States Consulate at \_\_\_\_\_ even though the petition states that the beneficiary is in the United States and will apply for adjustment of status to that of a lawful permanent resident. Under the law only a limited number of visas are available to applicants for each preference who are seeking adjustment of status to that of lawful permanent residents in the United States or immigrant visas abroad. Visas are issued strictly in the order in which petitions were filed for the same classification. Since a visa is not presently available, the beneficiary may not now apply for adjustment of status to that of a permanent resident. When the beneficiary's turn is reached on the visa waiting list, the United States Consul will inform the beneficiary and consider issuance of the visa.
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- ☐ The petition has been approved. The petition states that the beneficiary is in the United States and will apply to become a lawful permanent resident. The enclosed application for this purpose (Form I-485) should be completed and submitted by the beneficiary within 30 days in accordance with the instructions contained therein. (If the beneficiary had previously submitted Form I-485 which was returned to him/her, he/she should submit that form within 30 days.)
- ☐ The petition has been approved. The beneficiary will be informed of the decision made on the pending application to become a lawful permanent resident (Form I-485).
- ☐ Remarks:

Very truly yours,

MAIL TO

NAME AND ADDRESS OF PETITIONER

DISTRICT DIRECTOR

THIS NOTICE TO BE MAILED TO THE ATTORNEY OR REPRESENTATIVE, IF ANY.

U.S. Department of Justice  
Immigration and Naturalization Service

CAOJ-7

NOTICE OF ☐ THIRD ☐ SIXTH PREFERENCE PETITION APPROVED UNDER SECTION 203 (a)  
OF THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED.

IMPORTANT: IF THERE IS ANY CHANGE IN YOUR INTENTION  
TO EMPLOY OR BE EMPLOYED IN THE CAPACITY INDICATED  
IN THE JOB OFFER, NOTIFY THIS OFFICE IMMEDIATELY.

Name of Beneficiary	File No.	Date of Notice
Country of birth	Occupation	Date Petition Filed

VALIDITY: The approval of a petition for third or sixth preference classification is valid for as long as the supporting labor certification is valid and unexpired, provided there is no change in the respective intentions of the prospective employer and the beneficiary that the beneficiary will be employed by the employer in the capacity indicated in the supporting job offer.

Please be advised that approval of the petition confers upon the beneficiary an appropriate classification. The approval constitutes no assurance that the beneficiary will be found eligible for admission to the United States, adjustment to lawful permanent resident status, or visa issuance. Eligibility for admission or adjustment is determined only when application therefor is made to an immigration officer; eligibility for visa issuance is determined only when application therefor is made to a consular officer who is under the jurisdiction of the U.S. Department of State. If the beneficiary's approved petition has been forwarded to a United States consulate, all inquiries concerning issuance of a visa for the beneficiary should be addressed to the Consul. In addition, please note the items below which are indicated by "X" marks concerning this petition:

- ☐ Your petition for preference classification has been approved by the Service and forwarded to the United States Consulate at \_\_\_\_\_ . Under the law only a limited number of visas may be issued by the Department of State during each year, and they must be issued strictly in the order in which petitions were filed for the same classification. When the beneficiary's turn is reached on the visa waiting list, the United States Consul will inform the beneficiary and consider issuance of the visa.
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- ☐ The petition has been approved. The petition states that the beneficiary is in the United States and will apply to become a lawful permanent resident. The enclosed application for this purpose (Form I-485) should be completed and submitted by the beneficiary within 30 days in accordance with the instructions contained therein. (If the beneficiary had previously submitted Form I-485 which was returned to him/her, he/she should submit that form within 30 days.)
- ☐ The petition has been approved. The beneficiary will be informed of the decision made on the pending application to become a lawful permanent resident (Form I-485).
- ☐ Remarks:

Very truly yours,

MAIL TO

NAME AND ADDRESS OF PETITIONER

DISTRICT DIRECTOR

☐ CHECK THIS BOX WHEN COPY MAILED TO ATTORNEY OR REPRESENTATIVE  
FILE COPY



Instructions

Read the instructions carefully. If you do not follow the instructions, we may have to return your application, which may delay final action.

You will be required to appear before an Immigration Officer to answer questions about this application. You must bring your temporary entry permit (Form I-94, Arrival Departure Record) and your passport to your interview.

1. Who can apply?

You are eligible to apply for lawful permanent residence if you are in the U.S. and you:

- A. have an immigrant visa number immediately available to you (see 3 below - "When will a visa become available?"), or
- B. entered with a fiancé(e) visa and have married within ninety days, or
- C. have been granted asylum by the INS or an immigration judge one year or more ago, or
- D. are a member of a class of "special immigrants", which includes certain immigrants returning from a temporary visit abroad, certain ministers of religion, and certain former employees of the United States abroad, or
- E. have resided continuously in the United States since before June 30, 1948, or
- F. are filing a motion before an immigration judge, or
- G. are a former foreign government official, or a member of the immediate family of that official.

2. Who may not apply?

You are not eligible for lawful permanent residence if you entered the United States and you:

- A. were not inspected and admitted or paroled by a United States Immigration Officer, or
- B. continued in or accepted unauthorized employment, on or after January 1, 1977, unless you are the spouse, parent, or child of a United States citizen, or
- C. are an exchange visitor subject to the two-year foreign residence requirement, or
- D. were in transit through the United States without a visa, or
- E. were admitted as a crewman of either a vessel or an aircraft.

NOTE: If you are included under 2 above but have lived here continuously since before June 30, 1948, you may still apply.

3. When will a visa become available?

If you are applying for permanent residence as the relative of a U.S. citizen or lawful permanent resident, or as an immigrant employee, an immigrant visa petition (I-130 or I-140) must have been filed (or must be filed with your application). In addition, an immigrant visa number must be immediately available to you.

If you are the husband, wife, parent, or minor unmarried child of a U.S. citizen, a visa is immediately available to you when your U.S. citizen relative's petition, Form I-130, for you is approved.

For all other applicants, the availability of visa numbers is based on priority dates, which are determined by the filing of immigrant visa applications or labor certifications. When the priority date is reached for your approved petition, a visa number is immediately available to you. For a monthly update of the dates for which visa numbers are available, you may call (202) 663-1514

4. What documents do you need?

- A. 1) For each document needed, give INS the original and one copy. **Originals will be returned to you.**

- 2) If you do not wish to give INS an original document, you may give INS a copy. The copy must be certified by:

- a) an INS or U.S. consular officer, or
- b) an attorney admitted to practice law in the United States, or
- c) an INS accredited representative

(INS still may require originals).

- 3) Documents in a foreign language must be accompanied by a complete English translation. The translator must certify that the translation is accurate and that he or she is competent to translate.

- B. You must also give INS the following documents:

- 1) Your birth certificate.
- 2) If you are between 14 and 79 years of age, Form G-325A (Biographic Information).
- 3) a) If you are employed, a letter from your present employer showing that you have employment of a permanent nature.
- b) If you are not employed in a permanent job, a Form I-134 (Affidavit of Support) from a responsible person in the United States or other evidence to show that you are not likely to become a public charge.
- 4) If your husband or wife is filing an application for permanent residence with yours, he or she also must give INS your marriage certificate and proof for both of you that all prior marriages have been legally ended.
- 5) If your child is filing an application for permanent residence with yours, he or she also must give INS your marriage certificate and proof that all prior marriages for you and your husband or wife have been

legally ended, unless those documents are being submitted with your husband or wife's application.

- C. If you entered the U.S. as a fiancé(e), give INS your marriage certificate. If you are the child of a fiancé(e), give INS your birth certificate and the marriage certificate for your parent's present marriage.
- D. If you have resided in the United States continuously since before June 30, 1948, give INS documentary evidence of that fact. Some examples of records that can be used to prove residence are bank, real estate, census, school, insurance, or business records, affidavits of credible witnesses, or any other document that relates to you and shows evidence of your presence in the United States during this period.
- E. If you have resided in the United States continuously since before July 1, 1924, INS may be able to create a record of your lawful admission as of the date of your entry. Therefore, if you have resided continuously in the United States since a date before July 1, 1924, it is very important to give evidence establishing that fact.
- F. If you are a foreign government official or a representative to an international organization, a member of the family or servant of that person, or a treaty trader or treaty investor or the spouse or child of that person, you must give INS Form I-508. Form I-508 waives all rights, privileges, exemptions, and immunities which you would otherwise have because of that status.

#### 5. How should you prepare this form?

- A. Type or print legibly in ink.
- B. If you need extra space to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.
- C. Answer all questions fully and accurately. If any item does not apply, please write "N/A".

#### 6. Photographs

Give INS two color photographs of yourself taken within 30 days of the date of this application. These photos must have a white background. They must be glossy, un-retouched, and not mounted. The dimension of the facial image must be about 1 inch from the chin to the top of hair; your face should be in  $\frac{3}{4}$  frontal view, showing the right side of the face with the right ear visible. Using pencil or felt pen, lightly print your name on the back of each photograph.

#### 7. Fingerprints

Give INS a completed fingerprint card (Form FD-258) for each applicant between 14 and 79 years of age. Applicants may be fingerprinted by INS employees, other law enforcement officers, outreach centers, charitable and voluntary agencies, or other reputable persons or organizations. The fingerprint card (FD-258), the ink used, and the quality of the prints must meet standards prescribed by the Federal

Bureau of Investigation. You must sign the card in the presence of the person taking your fingerprints. That person must then sign his or her name and enter the date in the spaces provided. It is important to give all the information called for on the card.

#### 8. Medical examination

You will be required to have a medical examination in conjunction with this application. You may find out more from the INS office that will handle your application.

#### 9. Where must you file?

You must send or take this form and any other required documents to the INS office that has jurisdiction over the place where you live. You will be interviewed. You must bring your temporary entry permit (Form I-94, Arrival Departure Record), and your passport to your interview.

#### 10. What is the fee?

You must pay \$50.00 to file this form. **The fee will not be refunded, whether your application is approved or not.** DO NOT MAIL CASH. All checks or money orders, whether U.S. or foreign, must be payable in U.S. currency at a financial institution in the United States. When a check is drawn on the account of a person other than yourself, write your name on the face of the check. If the check is not honored, INS will charge you \$5.00.

Pay by check or money order in the exact amount. Make the check or money order payable to "Immigration and Naturalization Service". However,

- A. if you live in Guam: Make the check or money order payable to "Treasurer, Guam", or
- B. if you live in the U.S. Virgin Islands: Make the check or money order payable to "Commissioner of Finance of the Virgin Islands".

#### 11. What are the penalties for submitting false information?

Title 18, United States Code, Section 1001 states that whoever willfully and knowingly falsifies a material fact, makes a false statement, or makes use of a false document will be fined up to \$10,000 or imprisoned up to five years, or both.

#### 12. What is our authority for collecting this information?

We request the information on this form to carry out the immigration laws contained in Title 8, United States Code, Section 1255. We need this information to determine whether a person is eligible for immigration benefits. The information you provide may also be disclosed to other federal, state, local, and foreign law enforcement and regulatory agencies during the course of the investigation required by this Service. You do not have to give this information. However, if you refuse to give some or all of it, your petition may be denied.

It is not possible to cover all the conditions for eligibility or to give instructions for every situation. If you have carefully read all the instructions and still have questions, please contact your nearest INS office.

DO NOT WRITE IN THIS BLOCK

Case ID#	Action Stamp	Fee Stamp
A#		
G-28 or Volag#		
Section of Law <input type="checkbox"/> Sec. 209(b), INA <input type="checkbox"/> Sec. 214(d), INA <input type="checkbox"/> Sec. 13, Act of 9/11/57 <input type="checkbox"/> Sec. 245, INA <input type="checkbox"/> Sec. 249, INA	Country Chargeable	Eligibility Under Sec. 245 <input type="checkbox"/> Approved Visa Petition <input type="checkbox"/> Dependent of Principal Alien <input type="checkbox"/> Special Immigrant <input type="checkbox"/> Other _____ Preference _____

A. Reason for this application

I am applying for lawful permanent residence for the following reason: (check the box that applies)

1. ☐ An immigrant visa number is immediately available to me because  
☐ A visa petition has already been approved for me (approval notice is attached)  
☐ A visa petition is being filed with this application
2. ☐ I entered as the fiancé(e) of a U.S. citizen and married within 90 days (approval notice and marriage certificate are attached)
3. ☐ I am an asylee eligible for adjustment
4. ☐ Other: \_\_\_\_\_

B. Information about you

1. Name (Family name in CAPS) (First) (Middle)	11. On what date did you last enter the U.S.?
2. Address (Number and Street) (Apartment Number) (Town or City) (State/Country) (ZIP/Postal Code)	12. Where did you last enter the U.S.? (City and State)
3. Place of Birth (Town or City) (State/Country)	13. What means of travel did you use? (Plane, car, etc.)
4. Date of Birth (Mo/Day/Yr) 5. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female 6. Marital Status <input type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced	14. Were you inspected by a U.S. Immigration officer? <input type="checkbox"/> Yes <input type="checkbox"/> No
7. Social Security Number 8. Alien Registration Number (if any)	15. In what status did you last enter the U.S.? (Visitor, student, exchange alien, crewman, temporary worker, without inspection, etc.)
9. Country of Citizenship	16. Give your name EXACTLY as it appears on your Arrival/Departure Record (Form I-94).
10. Have you ever applied for permanent resident status in the U.S.? <input type="checkbox"/> Yes <input type="checkbox"/> No (If Yes, give the date and place of filing and final disposition)	17. Arrival/Departure Record (I-94) Number 18. Visa Number
20. Have you ever been married before? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, (Names of prior husbands/wives) (Country of citizenship) (Date marriage ended)	19. At what Consulate was your nonimmigrant visa issued? Date (Mo/Day/Yr)
21. Has your husband/wife ever been married before? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, (Names of prior husbands/wives) (Country of citizenship) (Date marriage ended)	

INITIAL RECEIPT	RESUBMITTED	RELOCATED		COMPLETED		
		Rec'd	Sent	Approved	Denied	Returned

**22. List your present husband/wife, all of your sons and daughters, all of your brothers and sisters (If you have none, write "N/A")**

Name	Relationship	Place of Birth	Date of Birth	Country of Residence	Applying With You?	
					<input type="checkbox"/> Yes	<input type="checkbox"/> No
					<input type="checkbox"/> Yes	<input type="checkbox"/> No
					<input type="checkbox"/> Yes	<input type="checkbox"/> No
					<input type="checkbox"/> Yes	<input type="checkbox"/> No
					<input type="checkbox"/> Yes	<input type="checkbox"/> No
					<input type="checkbox"/> Yes	<input type="checkbox"/> No
					<input type="checkbox"/> Yes	<input type="checkbox"/> No
					<input type="checkbox"/> Yes	<input type="checkbox"/> No
					<input type="checkbox"/> Yes	<input type="checkbox"/> No
					<input type="checkbox"/> Yes	<input type="checkbox"/> No

**23. List your present and past membership in or affiliation with every organization, association, fund, foundation, party, club, society or similar group in the United States or in any other country or place, and your foreign military service (If this does not apply, write "N/A")**

A.	19__ to 19__
B.	19__ to 19__
C.	19__ to 19__
D.	19__ to 19__
E.	19__ to 19__
F.	19__ to 19__
G.	19__ to 19__

**24. Have you ever, in or outside the United States:**

- a) knowingly committed any crime for which you have not been arrested? ☐ Yes ☐ No
- b) been arrested, cited, charged, indicted, convicted, fined, or imprisoned for breaking or violating any law or ordinance, including traffic regulations? ☐ Yes ☐ No
- c) been the beneficiary of a pardon, amnesty, rehabilitation decree, other act of clemency or similar action? ☐ Yes ☐ No

If you answered Yes to (a), (b), or (c) give the following information about each incident:

Date	Place (City)	(State/Country)	Nature of offense	Outcome of case, if any
1)				
2)				
3)				
4)				
5)				

**25. Have you ever received public assistance from any source, including the U.S. Government or any state, county, city or municipality?**

☐ Yes ☐ No (If Yes, explain, including the name(s) and Social Security number(s) you used.)

**26. Do any of the following relate to you? (Answer Yes or No to each)**

- A. Have you been treated for a mental disorder, drug addiction, or alcoholism? ☐ Yes ☐ No
- B. Have you engaged in, or do you intend to engage in, any commercialized sexual activity? ☐ Yes ☐ No
- C. Are you or have you at any time been an anarchist, or a member of or affiliated with any Communist or other totalitarian party, including any subdivision or affiliate? ☐ Yes ☐ No
- D. Have you advocated or taught, by personal utterance, by written or printed matter, or through affiliation with an organization:
- 1) opposition to organized government ☐ Yes ☐ No
  - 2) the overthrow of government by force or violence ☐ Yes ☐ No
  - 3) the assaulting or killing of government officials because of their official character ☐ Yes ☐ No
  - 4) the unlawful destruction of property ☐ Yes ☐ No
  - 5) sabotage ☐ Yes ☐ No
  - 6) the doctrines of world communism or the establishment of a totalitarian dictatorship in the United States? ☐ Yes ☐ No
- E. Have you engaged or do you intend to engage in prejudicial activities or unlawful activities of a subversive nature? ☐ Yes ☐ No
- F. During the period beginning March 23, 1933, and ending May 8, 1945, did you order, incite, assist, or otherwise participate in persecuting any person because of race, religion, national origin, or political opinion, under the direction of, or in association with any of the following:
- 1) the Nazi government in Germany ☐ Yes ☐ No
  - 2) any government in any area occupied by the military forces of the Nazi government in Germany ☐ Yes ☐ No
  - 3) any government established with the assistance or cooperation of the Nazi government of Germany ☐ Yes ☐ No
  - 4) any government that was an ally of the Nazi government of Germany ☐ Yes ☐ No
- G. Have you been convicted of a violation of any law or regulation relating to narcotic drugs or marijuana, or have you been an illicit trafficker in narcotic drugs or marijuana? ☐ Yes ☐ No

- H. Have you been involved in assisting any other aliens to enter the United States in violation of the law? ☐ Yes ☐ No
- I. Have you applied for exemption or discharge from training or service in the Armed Forces of the United States on the ground of alienage and have you been relieved or discharged from that training or service? ☐ Yes ☐ No
- J. Are you mentally retarded, insane, or have you suffered one or more attacks of insanity? ☐ Yes ☐ No
- K. Are you afflicted with psychopathic personality, sexual deviation, mental defect, narcotic drug addiction, chronic alcoholism, or any dangerous contagious disease? ☐ Yes ☐ No
- L. Do you have a physical defect, disease, or disability affecting your ability to earn a living? ☐ Yes ☐ No
- M. Are you a pauper, professional beggar, or vagrant? ☐ Yes ☐ No
- N. Are you likely to become a public charge? ☐ Yes ☐ No
- O. Are you a polygamist or do you advocate polygamy? ☐ Yes ☐ No
- P. Have you been excluded from the United States within the past year, or have you at any time been deported from the United States, or have you at any time been removed from the United States at government expense? ☐ Yes ☐ No
- Q. Have you procured or have you attempted to procure a visa by fraud or misrepresentation? ☐ Yes ☐ No
- R. Are you a former exchange visitor who is subject to, but has not complied with, the two-year foreign residence requirement? ☐ Yes ☐ No
- S. Are you a medical graduate coming principally to work as a member of the medical profession, without passing Parts I and II of the National Board of Medical Examiners Examination (or an equivalent examination)? ☐ Yes ☐ No
- T. Have you left the United States to avoid military service in time of war or national emergency? ☐ Yes ☐ No
- U. Have you committed or have you been convicted of a crime involving moral turpitude? ☐ Yes ☐ No

If you answered Yes to any question above, explain fully (Attach a continuation sheet if necessary):

27. ☐ Completed Form G-325A (Biographic Information) is signed, dated and attached as part of this application. Print or type so that all copies are legible.

☐ Completed form G-325A (Biographic Information) is not attached because applicant is under 14 or over 79 years of age.

**Penalties:** You may, by law, be fined up to \$10,000, imprisoned up to five years, or both, for knowingly and willfully falsifying or concealing a material fact or using any false document in submitting this application.

#### Your Certification

I certify, under penalty of perjury under the laws of the United States of America, that the above information is true and correct. Furthermore, I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit that I am seeking.

Signature \_\_\_\_\_ Date \_\_\_\_\_ Phone Number \_\_\_\_\_

#### Signature of Person Preparing Form if Other than Above

I declare that I prepared this document at the request of the person above and that it is based on all information of which I have any knowledge.

(Print Name) \_\_\_\_\_ (Address) \_\_\_\_\_ (Signature) \_\_\_\_\_ (Date) \_\_\_\_\_

G-28 ID Number \_\_\_\_\_

Volag Number \_\_\_\_\_

#### Stop Here

(Applicant is **not** to sign the application below until he or she appears before an officer of the Immigration and Naturalization Service for examination)

I, \_\_\_\_\_, swear (affirm) that I know the contents of this application that I am signing including the attached documents, that they are true to the best of my knowledge, and that corrections numbered ( ) to ( ) were made by me or at my request, and that I signed this application with my full, true name:

\_\_\_\_\_  
(Complete and true signature of applicant)

Signed and sworn to before me by the above-named applicant at \_\_\_\_\_ on \_\_\_\_\_ (Month) (Day) (Year)

\_\_\_\_\_  
(Signature and title of officer)



U. S. Department of Justice  
Immigration and Naturalization Service

Application for Change  
Of Nonimmigrant Status

(Please Tear Off This Sheet Before Submitting Application)

**READ INSTRUCTIONS CAREFULLY, FEE WILL NOT BE REFUNDED**  
*Failure to comply with instructions may make it necessary to reject your application*

**1. PENALTIES** - Severe penalties are provided by law for knowingly and willfully falsifying or concealing a material fact or using any false document in the submission of this application. Also, a false representation may result in the denial of this application and any other application you may make for any benefit under the immigration laws of the United States. Any statement submitted with this application is considered part of the application.

**2. PREPARATION** - Use typewriter or print in block letters with ball-point pen. Be sure this application and attached Form I-506A are legible. Do not leave any question unanswered.

When appropriate, insert "None" or "not applicable." If you need more space to answer fully any question on this form, use a separate sheet of paper this size and identify each answer with the number of the corresponding question.

**3. NON-ELIGIBILITY** - The following classes of aliens are **NOT ELIGIBLE** to change their nonimmigrant status:

a. Any alien in immediate and continuous transit through the United States without a visa (TWOV).

b. Any alien classified as a nonimmigrant under section 101(a)(15)(C),(D) or (K) of the Act.

c. Any alien admitted as a nonimmigrant under section 101(a)(15) (J) of the Act, or who acquired that status after admission in order to receive graduate medical education or training.

d. Any alien classified as a nonimmigrant under section 101(a)(15) (J) of the Act (*other than an alien described in paragraph (c) above*) who is subject to the foreign residence requirement of section 212(e) of the Act is not eligible for a change of nonimmigrant classification other than for a change to classification under section 101(a)(15) (A) or (G).

e. Any nonimmigrant to status under section 101(a)(15) (K) of the Act.

f. Any alien classified as a nonimmigrant student under section 101(a)(15)(M) of the Act is not eligible for a change of classification to that of a nonimmigrant student under section 101(A)(15) (F).

**4. SUBMISSION** - This application must be submitted to the Immigration and Naturalization Service office having jurisdiction over your place of temporary residence in the United States. If you are applying for change of status under section 101(a)(15)(H) or (L), this application must be submitted with the non-immigrant visa petition (Form I-129B) or with the notice of approval of that petition (Form I-171-C), to the office having jurisdiction over the Form I-129B.

A separate application and fee must be submitted by each person applying for a change of nonimmigrant classification, with the following **EXCEPTIONS**:

a. Neither an application nor fee is required to be filed by a spouse or unmarried minor child of principal alien-applicant for reclassification under the same subparagraph of section 101(a)(15) as the principal alien-applicant.

b. Neither an application nor fee is required for reclassification from that of a visitor for pleasure (B-2) under section 101(a)(15)(B) to that of a visitor for business (B-1) under the same section.

c. Neither an application nor fee is required for a change of status under section 101(a)(15) (J) if the change is requested by an agency of the U.S. Government and accompanied by Form IAP-66.

d. Neither an application nor fee is required for a change to classification under section 101(a)(15) (A) or (G) of the Act.

e. Neither an application nor fee is required for a change from a classification as the principal alien under section 101(a) (15) (F), (J), (L), or (M) to the accompanying spouse or unmarried minor child under that same section or vice versa.

f. Neither an application nor fee is required for a change from any classification within section 101(a)(15) (H) of the Act to any other classification within section 101(a) (15) (H) of the Act provided that the necessary Form I-129B has been filed and approved.

**5. FEE** - Except as indicated above, a fee of fifteen dollars (\$15) must be paid for filing this application. It cannot be refunded regardless of the action taken on the application. **DO NOT MAIL CASH. ALL FEES MUST BE SUBMITTED IN THE EXACT AMOUNT.** Payment by check or money order must be drawn on a bank or other institution located in the United States and be payable in United States currency. If applicant resides in Guam, check or money order must be payable to the "Treasurer, Guam." If applicant resides in the Virgin Islands, check or money order must be payable to the "Commissioner of Finance of the Virgin Islands." All other applicants must make the check or money order payable to the "Immigration and Naturalization Service." When a check is drawn on an account of a person other than the applicant, the name of the applicant must be entered on the face of the check. Personal checks are accepted subject to collectibility. An uncollectible check will render the application and any document issued pursuant to it invalid. A charge of \$5.00 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn.

#### **6. DOCUMENTS/GENERAL -**

The burden is upon you to establish your eligibility for the change of status you are seeking. If you fail to supply the information and documents required, your application will not be approved.

Your, your spouse's and children's Form(s) I-94 "Arrival-departure Record," must be submitted with this application. *(If you are an F-1 or M-1 seeking a change to a classification other than F-1 or M-1, you must also submit your Form I-20 ID copy.)* **DO NOT SUBMIT YOUR PASSPORT.**

Submit the following if you are applying for a:

#### **CHANGE TO STUDENT -**

(a) Form I-20 A-B or I-20 M-N, "Certificate of Eligibility" issued by the school you are attending or wish to attend

(b) A statement and evidence showing that sufficient funds will be available to you for your support and all costs of attending school, giving the source of your support and the amount received from each source. If you are not self-supporting, you must submit a Form I-134, "Affidavit of Support", executed by each person from whom you will receive support and with the evidence suggested on that form to support the affidavit.

(c) A Form I-20 ID copy with your name, date of birth, and country of citizenship filled out.

#### **CHANGE FROM F-1 TO M-1 STUDENT-**

(a) A Form I-20 M-N.

(b) Proof of financial ability as described in (b) of the previous section of item 6.

(c) Your Form I-20 ID copy **BUT NOT YOUR FORM I-94.**

#### **CHANGE TO EXCHANGE ALIEN-**

Form IAP-66, "Certificate of Eligibility for Exchange-Visitor-Status", from the sponsor of the exchange-visitor program you wish to participate in. You must complete the reverse of Form IAP-66.

**CHANGE TO TEMPORARY WORKER/ TRAINEE/INTRA-COMPANY TRANSFEREE-** Form I-129B, "Petition to Classify Nonimmigrant as Temporary Worker or Trainee", completed by your prospective employer or trainer, **OR** the Form I-171C, "Notice of Approval of the Nonimmigrant Petition", Form I-129B.

#### **CHANGE TO TREATY TRADER OR INVESTOR -**

A completed Form I-126, "Report of Status by Treaty Trader or Investor."

APPLICATION FOR  
CHANGE OF  
NONIMMIGRANT STATUS

FOR OFFICIAL USE ONLY  
MICROFILM INDEX NUMBER

(Under Section 248 of the Immigration and Nationality Act)

OMB No. 1115-0033

I hereby apply to have my status in the United States changed  
to that of a nonimmigrant \_\_\_\_\_  
(Student, visitor, etc.)

I wish to remain in the United States in that new status until \_\_\_\_\_

Fee Stamp

(Your passport must be valid for 6 months beyond the date indicated unless you seek F-1 student status in which case your passport must be valid for at least 6 months at all times while in the United States.)

PRESS FIRMLY — LEGIBLE COPY REQUIRED. PRINT OR TYPE YOUR NAME EXACTLY AS IT APPEARS ON YOUR ARRIVAL — DEPARTURE RECORD FORM I-94. IF YOUR MAILING ADDRESS IN THE U.S. IS WITH SOMEONE WHOSE FAMILY NAME IS DIFFERENT FROM YOURS, INSERT THAT PERSON'S NAME IN THE C/O BLOCK.

1 YOUR NAME	FAMILY NAME (Capital Letters)	GIVEN	MIDDLE	6. I AM IN POSSESSION OF PASSPORT
IN CARE OF	C/O			NUMBER: *
2 MAILING ADDRESS IN US	NUMBER AND STREET (Apt. No.)			ISSUED BY (Country)
	CITY	STATE	ZIP CODE	WHICH EXPIRES ON: (Month, Day, Year)
3 DATE OF BIRTH (Month, Day, Year)	COUNTRY OF BIRTH	COUNTRY OF CITIZENSHIP		7. MY I-94 AND OR FORM I-20 ID COPY IF F-1 OR M-1 STUDENT IS ATTACHED <input type="checkbox"/> YES <input type="checkbox"/> NO
4 PRESENT NONIMMIGRANT CLASSIFICATION	DATE ON WHICH AUTHORIZED STAY EXPIRES			If "No", it was <input type="checkbox"/> Lost <input type="checkbox"/> Stolen <input type="checkbox"/> Destroyed
5 DATE AND PORT OF LAST ARRIVAL IN UNITED STATES	NAME OF VESSEL, AIRLINE, OR OTHER MEANS OF LAST ARRIVAL IN U.S.			<input type="checkbox"/> Other (Specify) _____
FOR GOVERNMENT USE ONLY				8. I ENTERED WITH NONIMMIGRANT VISA NO.
ADMISSION NUMBER				9. MY NONIMMIGRANT STATUS IN THE UNITED STATES <input type="checkbox"/> HAS <input type="checkbox"/> HAS NOT BEEN CHANGED SINCE MY ENTRY (if changed, give details)
Reclassification to <input type="checkbox"/> STAY GRANTED TO (Date) <input type="checkbox"/> Application DENIED V.D. TO (Date)				
DATE OF ACTION DO OR C/O OFFICE				
J,H,OR L PROGRAM OR PETITION NO.:				
OCCUPATION				
CHECK IF BOND HAS BEEN POSTED: <input type="checkbox"/>				
BOND CONTROL OFFICE:				
ALIEN REGISTRATION NUMBER:				TELEPHONE NUMBER

10. MY PERMANENT ADDRESS OUTSIDE THE UNITED STATES IS: (Street) (City or Town) (County, District, Province or State) (Country)		
11. I RESIDED AT THE ADDRESS IN ITEM 10 FROM: (Month, Day, Year)		To: (Month, Day, Year)
12. SINCE MY ENTRY INTO THE UNITED STATES, I HAVE RESIDED AT THE FOLLOWING PLACES: (Street and No.) (City or Town) (State)		
FROM: (Month, Day, Year)		TO: (Month, Day, Year)
		Present Time
13. I DESIRE TO HAVE MY NONIMMIGRANT STATUS CHANGED FOR THE FOLLOWING REASONS:		
14. I DID NOT APPLY TO THE AMERICAN CONSUL FOR A VISA IN THE NONIMMIGRANT STATUS WHICH I AM NOW SEEKING FOR THE FOLLOWING REASONS:		
15. I SUBMIT THE FOLLOWING DOCUMENTARY EVIDENCE TO ESTABLISH THAT I WILL MAINTAIN THE NONIMMIGRANT CLASSIFICATION TO WHICH I WISH TO BE CHANGED:		
ATTACH YOUR FORM I-94 AND/OR FORM I-20 ID COPY		
*DO NOT SEND YOUR PASSPORT		
RECEIVED	TRANS. IN	RET'D. TRANS. OUT
COMPLETED		

## MICROFILM INDEX NUMBER

## 16. COMPLETE THIS BLOCK ONLY IF YOU ARE APPLYING FOR CHANGE TO STUDENT STATUS.

THE COUNTRY IN WHICH I INTEND TO LIVE AND WORK AFTER I COMPLETE MY SCHOOLING IN THE UNITED STATES IS \_\_\_\_\_

(IF YOU ARE SEEKING TO ATTEND A VOCATIONAL OR BUSINESS SCHOOL, COMPLETE THE FOLLOWING ADDITIONAL STATEMENTS BY CHECKING THE APPROPRIATE BOXES.)

THE SCHOOLING I AM SEEKING ☐ IS ☐ IS NOT AVAILABLE IN MY COUNTRYI ☐ INTEND ☐ DO NOT INTEND TO WORK IN THE OCCUPATION FOR WHICH THIS SCHOOLING WILL PREPARE ME.

## 17. MY OCCUPATION IS \_\_\_\_\_

18. SOCIAL SECURITY NO.  
(If none, state "none")19. I ☐ HAVE ☐ HAVE NOT BEEN EMPLOYED OR ENGAGED IN BUSINESS SINCE ENTERING THE UNITED STATES. IF ANSWER IS HAVE BEEN, COMPLETE THE FOLLOWINGNATURE OF OCCUPATION OR BUSINESS IN WHICH I ☐ AM ☐ WAS EMPLOYED:

NAME OF EMPLOYER OR BUSINESS FIRM

ADDRESS

MY EMPLOYMENT OR ENGAGEMENT IN BUSINESS BEGAN ON: (Month, Day, Year)

AND ENDED ON (Month, Day, Year)

MY MONTHLY INCOME FROM EMPLOYMENT OR BUSINESS ☐ IS ☐ WAS \$

## 20. IF NOT EMPLOYED OR ENGAGED IN BUSINESS IN THE UNITED STATES, DESCRIBE FULLY THE SOURCE AND AMOUNT OF YOUR INCOME ABROAD AND HOW SUPPORTED WHILE IN THE UNITED STATES. (If applying for change to student status, see instruction #6.)

21. I ☐ AM ☐ AM NOT MARRIED  
Name of Spouse

Present Address of Spouse

Citizenship (Country) of Spouse

## 22. I HAVE \_\_\_\_\_ (Number) CHILDREN: (List children below)

Name	Age	Place of Birth	Present Address

## 23. I HAVE \_\_\_\_\_ (Number) RELATIVES IN THE UNITED STATES OTHER THAN MY SPOUSE AND/OR CHILDREN: (List relatives below)

Name	Relationship	Immigration Status	Present Address

24. HAS AN IMMIGRANT VISA PETITION EVER BEEN FILED IN YOUR BEHALF? ☐ YES ☐ NO (If "YES", WHERE WAS IT FILED?)25. HAVE YOU EVER APPLIED FOR AN IMMIGRANT VISA OR PERMANENT RESIDENCE IN THE U.S.? ☐ YES ☐ NO (If "YES", WHERE DID YOU APPLY?)26. I ☐ HAVE ☐ HAVE NOT BEEN ARRESTED OR CONVICTED OF ANY CRIMINAL OFFENSE IN THE UNITED STATES OR IN ANY FOREIGN COUNTRY. IF ANSWER IS HAVE BEEN, GIVE DETAILS.

## 27. I certify that the above is true and correct to the best of my knowledge and belief. (If form prepared by other than applicant, that person must execute item 28.)

(Signature of Applicant)

(Date)

## SIGNATURE OF PERSON PREPARING FORM, IF OTHER THAN APPLICANT

## 28. I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.

(Signature) (Name — Printed or Typed)

(Address)

(Date)

**ADDRESS LABEL**

**PLEASE SEE ENDORSEMENT  
ON ATTACHED FORM I-94  
AND/OR FORM I-20 ID COPY  
REGARDING ACTION TAKEN  
ON YOUR APPLICATION**

1	YOUR NAME		FAMILY NAME (Capital Letters)		GIVEN		MIDDLE																	
	IN CARE OF		C/O																					
2	MAILING ADDRESS IN US		NUMBER AND STREET (Apt. r/o.)																					
			CITY		STATE		ZIP CODE																	
3	DATE OF BIRTH (Month, Day, Year)		COUNTRY OF BIRTH		COUNTRY OF CITIZENSHIP																			
4	PRESENT NONIMMIGRANT CLASSIFICATION		DATE ON WHICH AUTHORIZED STAY EXPIRES																					
5	DATE AND PORT OF LAST ARRIVAL IN UNITED STATES		NAME OF VESSEL, AIRLINE, OR OTHER MEANS OF LAST ARRIVAL IN U.S.																					
FOR GOVERNMENT USE ONLY																								
ADMISSION NUMBER																								
<table border="1"> <tr> <td>Reclassification to</td> <td>DATE OF ACTION</td> </tr> <tr> <td><input type="checkbox"/> STAY GRANTED TO (Date)</td> <td>DD</td> </tr> <tr> <td><input type="checkbox"/> Application DENIED V.D. TO (Date)</td> <td>OR</td> </tr> <tr> <td></td> <td>OIC</td> </tr> <tr> <td></td> <td>OFFICE</td> </tr> <tr> <td>J.H. OR L PROGRAM OR PETITION NO.:</td> <td>OCCUPATION</td> </tr> <tr> <td>CHECK IF BOND HAS BEEN POSTED: <input type="checkbox"/></td> <td>BOND CONTROL OFFICE:</td> </tr> <tr> <td colspan="2">ALIEN REGISTRATION NUMBER:</td> </tr> </table>									Reclassification to	DATE OF ACTION	<input type="checkbox"/> STAY GRANTED TO (Date)	DD	<input type="checkbox"/> Application DENIED V.D. TO (Date)	OR		OIC		OFFICE	J.H. OR L PROGRAM OR PETITION NO.:	OCCUPATION	CHECK IF BOND HAS BEEN POSTED: <input type="checkbox"/>	BOND CONTROL OFFICE:	ALIEN REGISTRATION NUMBER:	
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# APPLICATION BY NONIMMIGRANT STUDENT FOR EXTENSION OF STAY, SCHOOL TRANSFER, AND PERMISSION TO ACCEPT OR CONTINUE EMPLOYMENT OR PRACTICAL TRAINING

## INSTRUCTIONS

Failure to comply with instructions may make it necessary to reject your application.

**1. General.** Complete this application if you are an:

- (A) F-1 student and have completed or been enrolled in an educational program (e.g. elementary school, high school, bachelor's degree program), and wish to complete another educational program.
- (B) F-1 student and have completed an educational program and wish to complete another educational program at the same level of education (e.g. a second master's degree).
- (C) M-1 student and want an extension of authorized stay so that you may continue your studies.
- (D) F-1 student and want to transfer to another school to complete another educational program. (See the instructions to Form I-20A-B, Certificate of Eligibility for Nonimmigrant (F-1) Student Status, for the procedure for transferring to another school within the same educational program).
- (E) M-1 student and want to transfer to another school. (You may not transfer to another school after six months from the date you were first in M-1 classification unless you are unable to remain at the school to which you were initially admitted due to circumstances beyond your control).
- (F) F-1 or M-1 student and want permission to engage in practical training.
- (G) F-1 student and want permission to engage in off-campus employment.

A separate application must be completed by each applicant.

Application may be made simultaneously on this form for extension of temporary stay and permission to transfer to another school or for extension of temporary stay and permission to accept employment or to continue previously authorized employment.

The application must be typewritten or printed legibly in ink with block letters. IF YOU NEED MORE SPACE TO ANSWER FULLY ANY QUESTION ON THIS FORM, USE THE REMARKS (BLOCK 33) AND IDENTIFY EACH ANSWER WITH THE NUMBER OF THE CORRESPONDING QUESTION.

If you are carrying less than a full schedule of classroom hours, attach a statement explaining why.

**2. FORM I-20 ID COPY.** You must submit your Form I-20 ID copy with your application. DO NOT SEND IN YOUR PASSPORT OR FORM I-94 (ARRIVAL-DEPARTURE RECORD). You must, however, be in possession of a passport valid for at least six (6) months at all times while in the United States.

**3. APPLICATION FOR EXTENSION OF STAY.** An F-1 or M-1 student who desires an extension of stay for his/her spouse and children as F-2 or M-2 nonimmigrants should include them in this application (block 19) and include their Forms I-94 with this application. They, too, must be in possession of passports valid for at least six months at all times while in the United States.

A spouse or child who desires an extension of stay in other than an F-2 or M-2 classification must make a separate application on Form I-539. An exchange alien may apply for extension only on Form IAP-66 executed by his/her sponsor.

(A) **WHEN TO SUBMIT APPLICATION.** Submit your application for extension of stay not less than 15 nor more than 60 days before your authorized stay expires.

(B) **WHERE TO SUBMIT APPLICATION.** Take or mail your application to the office of the Immigration and Naturalization Service which has jurisdiction over the school you were last authorized to attend.

## 4. APPLICATION FOR PERMISSION TO TRANSFER TO ANOTHER SCHOOL.

(A) If you are an F-1 student seeking a transfer to another school to complete another educational program or an M-1 student seeking a transfer to another school, you must file an application for school transfer on Form I-538 with a properly completed Form I-20A-B or Form I-20M-N, Certificate of Eligibility for Nonimmigrant (M-1) Student Status. Sixty days after having filed the application, you may transfer to the new school subject to ap-

proval or denial of the application. If the application for transfer is approved, the approval of the transfer will be retroactive to the date of filing the application. Submit the application to the office of the Immigration and Naturalization Service having jurisdiction over the school you were last authorized to attend. Permission to transfer may be granted only to a bona fide nonimmigrant student who intends to take a full course of study. In addition, the applicant must be a full-time student at the school which he/she was last authorized to attend.

- (B) If you are seeking permission to transfer to another school (except as an F-1 student within the same educational program), and also desire to obtain permission to engage in employment or practical training, you must first submit an application for permission to transfer. In that case, the Certification of Designated School Official must be executed by the school from which you wish to transfer, and the completed application must be submitted to the Immigration and Naturalization Service office which has jurisdiction over the place where that school is located. If the application for permission to transfer is granted, and you desire permission to engage in employment or practical training, you may then submit a separate application on Form I-538 for that purpose; in that case, the Certification of Designated School Official must be executed by the school to which your transfer has been authorized, and the completed application should be submitted to the Immigration and Naturalization Service office having jurisdiction over that school.
- (C) If you are an F-1 student seeking a school transfer within the same educational level and you desire to obtain permission to accept or continue employment or practical training, you must first follow the transfer procedure for transfer within the same educational level described in the instructions to Form I-20A-B and then apply for permission to accept or continue employment or practical training.
- (D) If the designated official at the school you were last authorized to attend refuses to execute the Certification of Designated School Official on a school transfer application within 30 days of the date that you requested the official to do so, you may report this refusal to the Immigration and Naturalization Service office having jurisdiction over the school. In that case, the Immigration and Naturalization Service may, at the discretion of the district director, make a decision on your application without such a certification.

## **5. APPLICATION FOR PERMISSION TO ACCEPT OR CONTINUE EMPLOYMENT OR PRACTICAL TRAINING.**

- (A) **ELIGIBILITY.** A nonimmigrant student is not permitted to work for a wage or salary or to engage in business while in the United States unless permission to do so has first been granted by the Immigration and Naturalization Service. An F-1 student may apply for permission to engage in employment or practical training. An F-1 student, however, may not be granted permission to engage in employment during his or her first full year in the United States. An M-1 student may not apply for or be granted permission for employment other than for practical training. The F-2 or M-2 spouse or child of an F-1 or M-1 student may not apply for or be granted permission to accept employment or practical training.
- (B) **OFF-CAMPUS EMPLOYMENT.**
- (i) **WHEN TO SUBMIT APPLICATION.** The applicant should file an application for employment authorization early enough to process it before the date the employment begins or the current permission expires.
- (ii) **ECONOMIC NECESSITY.** If you are an F-1 student requesting permission to accept or continue part-time employment off campus because of economic necessity, you must establish that the necessity is due to unforeseen circumstances arising subsequent to entry or subsequent to change of your status to non-immigrant student status.
- (iii) **CONDITIONS FOR OFF-CAMPUS EMPLOYMENT.** When part-time employment is authorized, a student may work off campus not more than 20 hours per week while school is in session, and full time during vacation or recess periods when school attendance is not required. Employment authorization may be granted up to the expected date of completion of the student's current course of study.
- (iv) **TERMINATION OF PERMISSION TO ACCEPT OR CONTINUE OFF-CAMPUS EMPLOYMENT.** Permission to engage in off-campus employment is terminated when the student transfers from one school to another or when the need for the employment ceases. A student may not engage in off-campus employment, except employment authorized for practical training, after completion of the student's course(s) of study.

**Section to be filled in by ALL APPLICANTS**

Page 2

Print or type the following information EXACTLY as it appears on your DEPARTURE RECORD FORM I-94.

Passport Number	
Family Name (Surname)	
First Name (Given Name)	
Date of Birth Mo. Year	E. Country of Citizenship

Address in U.S. (If with someone whose family name is different from yours, insert that person's name in C/O block).

C/O

Number and Street (apartment number)

City State ZIP Code

Telephone Number (Include area code)

Passport Expires on (date)

Date of intended departure from the U.S.

Alien Registration Number (if known)

Date of last arrival in the U.S.

Has an immigrant visa petition ever been filed ON YOUR behalf?  
☐ No (leave No. 14 blank) ☐ Yes (complete No. 14)

Have YOU ever applied for an immigrant visa or permanent residence in the U.S.?  
☐ No (leave No. 16 blank) ☐ Yes (complete No. 16)

Have you been arrested or convicted of a criminal offense since entering the U.S.?  
☐ No ☐ Yes (If "Yes" is checked, explain in detail under "Remarks" on Page 4.)

2. I am applying for (check and complete as appropriate):

- A. ☐ Extension of temporary stay to complete another education program (F-1 student only). Indicate program (e.g., high school, graduate masters) below.
- B. ☐ Extension of temporary stay until (date). (M-1 student only.)
- C. ☐ Permission to transfer to another school (F-1 student to complete another educational program or M-1 student).
- D. ☐ Permission to accept or continue practical training (F-1 or M-1 student).
- E. ☐ Permission to accept employment or to continue previously authorized employment (F-1 student only).

4. Address of foreign residence (If with someone whose family name is different from yours, insert that person's name in C/O block).

C/O

Number and Street (apartment number)

City Province or State

Country

6. Passport Issued by (country)

8. Date on which authorized stay expires (M-1 student only).

10. Social Security Number (if known)

12. Place of Birth (city) (country)

14. If "Yes" is checked in No. 13, where was it filed?

16. If "Yes" is checked in No. 15, where did you apply?

18. Are you married?  
☐ No ☐ Yes (If you ARE MARRIED AND WISH TO APPLY for an extension for your F-2 or M-2 spouse and children, complete No. 19.)

Name of Spouse and Children	Date of Birth	Country of Birth	Passport Issued By (country)	Passport Expires On (date)

If spouse and children for whom you are seeking extension do not reside with you, give their complete address on a separate attachment to this application.

FOR OFFICIAL USE ONLY  
MICROFILM INDEX NUMBER

**(C) PRACTICAL TRAINING.**

**(i) WHEN TO SUBMIT APPLICATION.**

- (a) APPLICATION TO ACCEPT PRACTICAL TRAINING AFTER COMPLETION OF A COURSE OF STUDY FOR F-1 STUDENT**—not more than sixty days before completion of the course of study nor more than thirty days after completion of the course of study.
- (b) APPLICATION TO CONTINUE PRACTICAL TRAINING AFTER COMPLETION OF COURSE OF STUDY FOR F-1 STUDENT**—at least fifteen days but not more than sixty days before the expiration of the applicant's currently authorized practical training.
- (c) APPLICATION FOR PRACTICAL TRAINING BEFORE COMPLETION OF COURSE OF STUDY FOR F-1 STUDENT**—the applicant should file the application early enough to allow sufficient time to process it before the date the employment is expected to begin.
- (d) APPLICATION TO ACCEPT PRACTICAL TRAINING FOR M-1 STUDENT**—prior to the expiration of the student's authorized period of stay and not more than sixty days before completion of the course of study nor more than thirty days after completion of the course of study.

**(ii) WHEN PRACTICAL TRAINING MAY BE AUTHORIZED.**

**(a) F-1 STUDENT**

- (1) After completion of the course of study if the student intends to engage in only one course of study.
- (2) After completion of at least one course of study if the student intends to engage in more than one course of study.
- (3) After completion of all course requirements for the degree if the student is in a bachelor's, master's, or doctoral degree program.
- (4) Before completion of the course of study if the student is attending a college, university, seminary, or conservatory which requires practical training of all degree candidates in a specified professional field and the student is a candidate for a degree in that field.
- (5) Before completion of the course of study during the student's an-

nual vacation if recommended by the designated school official as beneficial to the student's academic program.

- (b) M-1 STUDENT.** Only after completion of the student's course of study.

- (iii) LETTER FROM EMPLOYER.** An application to continue practical training must be accompanied by a letter from the employer stating the occupation, the exact date employment began, and the date the employment will terminate, and describing in detail the duties of the occupation. If the applicant has been offered temporary employment for practical training, the application to accept practical training must be accompanied by a letter from the prospective employer stating the applicant's occupation and the dates the employment will begin and end and describing in detail the duties of the applicant's occupation.

**(iv) DURATION OF PRACTICAL TRAINING.**

**(a) F-1 STUDENT.**

- (1) If the student's course of study is at least twelve months long:

—A student not in a language training program may be granted permission to accept practical training for not more than six months if the student has not been offered employment for practical training. (Practical training authorized after completion of a course of study is deemed to begin on the date the student begins employment or sixty days after completion of the course of study, whichever is earlier.)

—A student not in a language training program may be granted permission to accept practical training for not more than twelve months if the student has been offered temporary employment for practical training.

—A student not in a language training program may be granted permission to continue practical training for not more than eight months.

- (2) The period of practical training which may be granted during the student's vacation is limited to the length of the vacation rounded off to the closest number of months.

This section to be filled in by ALL APPLICANTS

Page 3

20. I ☐ have ☐ have not been employed or engaged in business in the United States. If you have been employed or engaged in business in the United States, complete the rest of the block.

Name and address of employer or business

Kind of employment or business

Income per week

Dates the employment or business began and ended

21. Means and source of support while in the United States

22. My major field of study is

23. (Complete this item only if you are applying for a school transfer.) I am requesting this transfer because:

24. (Complete this item only if you are an M-1 student seeking a school transfer after six months from the date you were first granted M-1 classification and if you were unable to remain at the school to which you were first admitted due to circumstances beyond your control) I was unable to remain at the school to which I was first admitted because:

25. Check item (A) or (B) and complete the item checked

<input type="checkbox"/> (A) I am attending school	Name and location of school I am attending is:	I <input type="checkbox"/> am <input type="checkbox"/> am not authorized to attend that school. If not authorized, explain under "Remarks" on page 4.	
		I am attending school <input type="checkbox"/> full time <input type="checkbox"/> part time	If not full time, explain under "Remarks" on page 4.
<input type="checkbox"/> (B) I am not attending school	My reason for not attending is:		
	Name and location of school I was last authorized to attend	Date of graduation or last attendance (specify)	

This section (Items 26-32) to be filled in by APPLICANT for permission to accept or continue employment or practical training

26. I desire permission to accept employment for the following reason: (Check One)

- (A) ☐ To obtain or continue practical training in a field related to my course of study and recommended by the school.  
(B) ☐ To obtain or continue part-time employment needed because of economic necessity which arose as a result of unforeseen change in financial circumstances. (If you checked this item, explain in block 28.)

27. (Complete this item only if you are an F-1 student applying for permission to accept employment) The date I was first granted F-1 status is

The dates of all my absences from the United States during my first full year in F-1 status are as follows:

28. (Fill in if you checked (B) in item 26)

- (A) My costs for an academic term of (Complete number of months) \_\_\_\_\_ months up to 12 months at time I was first granted F-1 status

Tuition and fees	\$ _____
Living expenses	\$ _____
Expenses of dependents	\$ _____
Other	\$ _____
TOTAL	\$ _____

- (B) My means of support estimated for the same period of time as in item (A) at time I was first granted F-1 status

Personal funds of student	\$ _____
Family funds from abroad	\$ _____
Funds from the school (Specify type)	\$ _____
Funds from another source (Specify type/source)	\$ _____
On campus employment, if applicable	\$ _____
TOTAL	\$ _____

- (C) My costs for an academic term of (Complete number of months) \_\_\_\_\_ months up to 12 months at the present time

Tuition and fees	\$ _____
Living expenses	\$ _____
Expenses of dependents	\$ _____
Other	\$ _____
TOTAL	\$ _____

- (D) My means of support estimated for the same period of time as in item (C) at the present time

Personal funds of student	\$ _____
Family funds from abroad	\$ _____
Funds from the school (Specify type)	\$ _____
Funds from another source (Specify type/source)	\$ _____
On campus employment, if applicable	\$ _____
TOTAL	\$ _____

- (E) EXPLAIN the unforeseen change in your financial circumstances which arose after your entry into the United States and why parent, relative, organization or other sponsor is unable to furnish you the additional funds needed to cover expenses.

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MICROFILM INDEX NUMBER

- (3) A student may not be granted practical training which would result in his/her being engaged in practical training for more than twelve months. When the course of study is less than twelve months long, a student not in a language training program may be granted practical training for a total number of months not exceeding the length of the course of study.
- (4) A student in a language training program may be granted practical training for periods of time equal to one month for each four months during which the student carried a full course of study at the school(s) the student was authorized to attend.
- (b) M-1 STUDENT. An M-1 student may be granted one period of practical training for a period of time equal to one month for each four months during which the student pursued a full course of study, but not to exceed six months.
- (D) **WHERE TO SUBMIT APPLICATION FOR PERMISSION TO ACCEPT OR CONTINUE EMPLOYMENT OR PRACTICAL TRAINING.** The application must be submitted to the office of the Immigration and Naturalization Service having jurisdiction over the area in which your school is located, unless the application is for permission to continue practical training. An application for permission to *continue* practical training must be submitted to the office of the Service having jurisdiction over the actual place of employment.
- (E) **ALTERNATE WORK/STUDY COURSES.** An F-1 student enrolled in a college, university, or seminary having alternate work/study courses as a part of its regular curriculum may participate in those courses without obtaining a change of status and without obtaining permission to accept employment. Periods of actual off-campus employment which are part of a work/study program, however, are considered to be practical training. They, therefore, must be deducted from the total practical training time for which the student is eligible. The work must be in a field related to the course of study. For students who have engaged in off-campus work/study programs, a letter from the school must be submitted with the application stating the number of hours the student has participated in off-campus employment and giving a description of the duties and the name and address of the employer.
- (F) **ON CAMPUS EMPLOYMENT—(F-1 only).** On-campus employment means employment

performed on the school premises. On-campus employment pursuant to the terms of a scholarship, fellowship, or assistantship is deemed to be a part of the academic program of a student otherwise taking a full course of study. If the school offers you this kind of employment or any other on-campus employment which will not displace a United States resident, you are not required to apply for permission to this Service to accept the employment.

- (G) **LABOR DISPUTES.** Permission to engage in any employment is automatically suspended while a strike or other labor dispute involving a work stoppage is in progress. **YOU MUST SUSPEND EMPLOYMENT IMMEDIATELY IF SUCH A SITUATION ARISES.**

**6. Fee.** A fee of fifteen dollars (\$15) must be paid for filing this application. It cannot be refunded regardless of the action taken on the application. **DO NOT MAIL CASH. ALL FEES MUST BE SUBMITTED IN THE EXACT AMOUNT.** Payment by check or money order must be drawn on a bank or other institution located in the United States and be payable in United States currency. If applicant resides in Guam, check or money order must be payable to the "Treasurer, Guam." If applicant resides in the Virgin Islands, check or money order must be payable to the "Commissioner of Finance of the Virgin Islands." All other applicants must make the check or money order payable to the "Immigration and Naturalization Service." When check is drawn on account of person other than the applicant, the name of the applicant must be entered on the face of the check. If application is submitted from outside the United States, remittance may be made by bank international money order or foreign draft drawn on a financial institution in the United States and payable to the Immigration and Naturalization Service in United States currency. Personal checks are accepted subject to collectibility. An uncollectible check will render the application and any documents issued pursuant to it invalid. A charge of \$5.00 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn. The authority for collecting a fee is granted to Federal agencies by 31 U.S.C., Section 483a, and OMB Circular A-25.

**7. PENALTIES.** Severe penalties are provided by law (18 U.S.C., Section 1001) for knowingly and willfully falsifying or concealing a material fact or using any false document in the submission of this application. Also, a false representation may result in denial of this application and any other application you may make for any benefit under the immigration laws of the United States. Any statement submitted with this application is considered part of the application.

29. If you checked (A) in item 26 above, describe the practical training including beginning and ending dates and number of hours per week, if known.

30. (If you checked (A) in item 26 above, check and fill in the applicable statement below.)

- ☐ I have previously been granted permission to engage in employment for practical training from \_\_\_\_\_ (date) to \_\_\_\_\_ (date)
- ☐ I have previously participated in an off-campus work study program from \_\_\_\_\_ (date) to \_\_\_\_\_ (date)
- ☐ I have never previously been granted permission to engage in employment for practical training.

31. (If you checked (A) in item 26 above, check the appropriate statement.)

I am seeking practical training

- ☐ After completion of a course of study.
- ☐ After completion of all course requirements for a bachelor's, master's or doctoral degree.
- ☐ Before completion of my course of study at a college, university, seminary, or conservatory which requires practical training of all degree candidates in my field.
- ☐ During my annual vacation.

32. If you have previously submitted an application to accept or continue employment, furnish the following information.

Office of the Immigration & Naturalization Service to which last submitted:  
(City and State)

The application was

☐ Granted ☐ Denied

If denied, date denied

33. Remarks:

**This section to be filled in by ALL APPLICANTS**

34. Signature of Applicant

I CERTIFY under penalty of perjury that the information in this form is true and correct.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date Signed)

35. Signature of Person Preparing the Form If Other Than Applicant

I DECLARE that this application was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Date Signed)

FOR OFFICIAL USE ONLY  
MICROFILM INDEX NUMBER

**ADDRESS LABEL**

**ALL APPLICANTS MUST FILL IN**

FIRST NAME	LAST NAME	
C/O		
NUMBER AND STREET (apartment number)		
CITY	STATE	ZIP CODE

PLEASE SEE ENDORSEMENT  
ON ATTACHED FORM I-20 ID COPY  
REGARDING ACTION TAKEN  
ON YOUR APPLICATION

\_\_\_\_\_

\_\_\_\_\_

7

7

7

\_\_\_\_\_

\_\_\_\_\_



**IMPORTANT** Please read attached instructions before filling out application. Use typewriter or print in block letters with ball-point pen. Be sure this application and the attached Form I-539A and address mailing label are legible. Do not leave any question unanswered. When appropriate, insert "none" or "not applicable". If you need more space to answer fully any question on this form use a separate sheet of paper this size, and identify each answer with the number of the corresponding question.

U.S. GOVERNMENT PRINTING OFFICE: 1986-155-638

(Please tear off this sheet before  
submitting application)

U.S. Department of Justice  
Immigration and Naturalization Service

#### APPLICATION TO EXTEND TIME OF TEMPORARY STAY

**INSTRUCTIONS: READ CAREFULLY, FEE WILL NOT BE REFUNDED**  
Failure to comply with instructions may make it necessary to reject your applications.

**1. GENERAL.** An alien admitted in transit (class C-1, C-2, C-3 or TWOV); or as a crewman (class D-1 or D-2); or as the fiancé(e) of a United States citizen and his or her children (class K-1 or K-2) is ineligible for an extension of temporary stay.

A student (class F-1) must apply for extension of temporary stay on Form I-538. An exchange alien (class J-1) must apply for extension of temporary stay on Form IAP-66 executed by his/her sponsor. Spouses and children of students and exchange aliens may be included in their applications.

Any other nonimmigrant admitted for a temporary period of time may apply for an extension of temporary stay by completing this form.

A separate application must be completed by each applicant for an extension of temporary stay with the following exception:

A nonimmigrant who desires an extension of temporary stay for his/her spouse and unmarried children under age 21 who have the same nonimmigrant classification as the applicant should include the spouse and children in the application (Block 16). A spouse or child having a different nonimmigrant classification than the applicant must make a separate application. (See instruction under 4 for payment of fee.)

**2. WHEN TO SUBMIT THIS APPLICATION.** You should submit this application not less than fifteen nor more than sixty days before your authorized stay expires, except that you may submit this application at any time prior to the expiration of your authorized stay if you were issued a Form I-444 when you were admitted to the United States.

**3. WHERE TO SUBMIT APPLICATION.** Take or mail your completed application to the office of the Immigration and Naturalization Service having jurisdiction over the place where you are staying.

When you submit your application you must also send in your temporary entry permit. Form I-94 ARRIVAL-DEPARTURE RECORD or Form I-444. (If your temporary entry permit is attached to your passport, the permit should be removed for this purpose.) **DO NOT SEND IN YOUR PASSPORT.** However, you must be in possession of a passport valid for at least six (6) months beyond the expiration date of the extension requested. If this application includes your spouse or children their Forms I-94 must be submitted with the application. They, too, must be in possession of passports valid for at least six months beyond the expiration date of the extension requested.

**4. FEE.** A fee of fifteen dollars (\$15) must be paid for filing this application. It cannot be refunded regardless of the action taken on the application. **DO NOT MAIL CASH. ALL FEES MUST BE SUBMITTED IN THE EXACT AMOUNT.** Payments by check or money order must be drawn on a bank or other institution located in the United States and be payable in United States currency. If applicant resides in Guam, check or money order must be payable to the "Treasurer, Guam." If applicant resides in the Virgin Islands, check or money order must be payable to the "Commissioner of Finance of the Virgin Islands." All other applicants must make the check or money order payable to the "Immigration and Naturalization Service." When check is drawn on account of person other than the applicant, the name of the applicant must be entered on the face of the check. If application is submitted from outside the United States, remittance may be made by bank international money order or foreign draft drawn on a financial institution in the United States and payable to the Immigration and Naturalization Service in United States currency. Personal

checks are accepted subject to collectibility. An uncollectible check will render the application and any documents issued pursuant thereto invalid. A charge of \$5.00 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn.

However, no fee is required for A-3 employees of government officials and their immediate families, G-5 employees of representatives to an international organization and their immediate families, and the spouse and all unmarried children under age of 21 if they are properly included in one application.

**5. NONIMMIGRANT CLASSIFICATION (BLOCK 4).** Indicate in this block the classification symbol shown in the admission stamp on your Form I-94 immediately after the word "class", for example B-1, H-3, etc., or whatever it may be.

**6. ATTENDANT, SERVANT, OR PERSONAL EMPLOYEE (INCLUDING MEMBERS OF HIS FAMILY) OF CERTAIN FOREIGN GOVERNMENT OFFICIALS (A-3 or G-5).** If you are in the United States under an A-3 or G-5 nonimmigrant classification, you must submit with this application a statement from the employing official describing the current and intended employment of the attendant, servant or personal employee.

**7. TREATY TRADER OR INVESTOR (E-1 or E-2).** If you are in the United States under an E-1 or E-2 nonimmigrant classification, you must submit with this application a Form I-126 properly executed, with such additional documents as are required by that form.

**8. REPRESENTATIVE OF FOREIGN PRESS, RADIO, FILM, OR OTHER INFORMATION MEDIUM ("I").** If you are in the United States under an "I" nonimmigrant classification, you must submit with this application a statement from your employer establishing that you are the representative of such medium in the United States and setting forth your current and intended activities and the reason for the extension.

**9. ALIEN ADMITTED TO PERFORM TEMPORARY SERVICE OR LABOR, OR AS A TRAINEE OR INTRA-COMPANY TRANSFEREE (H-1, H-2, H-3, or L-1).** If you are in the United States under an H-1, H-2, H-3 or L-1 nonimmigrant classification, you must submit with this application a statement from your employer or trainer describing your current and intended employment or training and the reason for the extension. In addition, if you are an H-2 applicant, you must submit a certification from the Department of Labor concerning availability of workers domestically and effect on wages and working conditions of persons similarly employed in the United States, unless the extension of time requested will not exceed the period of validity of the certification previously submitted by your employer. For a group extension of stay of H-1, H-2 or H-3 nonimmigrants, Form I-129B shall be used.

**10. PENALTIES** — Severe penalties are provided by law for knowingly and willfully falsifying or concealing a material fact or using any false document in the submission of this application. Also, a false representation may result in denial of this application and or any other application you may make for any benefit under the immigration laws of the United States. Any statement submitted with this application is considered part of the application.

For sale by the Superintendent of Documents, U.S. Government Printing Office  
Washington, D.C. 20402 (per 100)

<b>APPLICATION TO EXTEND TIME OF TEMPORARY STAY</b>				FEE STAMP	
<b>I HEREBY APPLY TO EXTEND MY TEMPORARY STAY IN THE UNITED STATES</b>					
<small>PRESS FIRMLY — LEGIBLE COPY REQUIRED. PRINT OR TYPE YOUR NAME EXACTLY AS IT APPEARS ON YOUR ARRIVAL-DEPARTURE RECORD FORM I-94. IF YOUR MAILING ADDRESS IN THE U.S. IS WITH SOMEONE WHOSE FAMILY NAME IS DIFFERENT FROM YOURS, INSERT THAT PERSON'S NAME IN THE C/O BLOCK.</small>					
1. YOUR NAME		FAMILY NAME (CAPITAL LETTERS)		FIRST	MIDDLE
IN CARE OF		C/O			
2. MAILING ADDRESS IN U.S.		NUMBER AND STREET (APT. NO.)		FILE NUMBER	
		CITY		STATE	
				ZIP CODE	
3. DATE OF BIRTH (MO./DAY/YR.)		COUNTRY OF BIRTH		COUNTRY OF CITIZENSHIP	
4. PRESENT NONIMMIGRANT CLASSIFICATION		DATE ON WHICH AUTHORIZED STAY EXPIRES		TELEPHONE NUMBER	
5. DATE AND PORT OF LAST ARRIVAL IN U.S.		NAME OF VESSEL, AIRLINE, OR OTHER MEANS OF LAST ARRIVAL IN U.S.		8. REASON FOR COMING TO THE U.S.	
THE ADMISSION NUMBER FROM MY I-94 IS:		▶ . . . . .		9. HAS AN IMMIGRANT VISA PETITION EVER BEEN FILED IN YOUR BEHALF? <input type="checkbox"/> YES <input type="checkbox"/> NO IF "YES", WHERE WAS IT FILED?	
<b>FOR GOVERNMENT USE ONLY</b>					
<input type="checkbox"/> EXTENSION GRANTED TO (DATE)				DATE OF ACTION	
<input type="checkbox"/> EXTENSION DENIED V.D. TO (DATE)				DD OR OIC OFFICE	
10. HAVE YOU EVER APPLIED FOR AN IMMIGRANT VISA OR PERMANENT RESIDENCE IN THE U.S.? <input type="checkbox"/> YES <input type="checkbox"/> NO IF "YES", WHERE DID YOU APPLY?					
11. I INTEND TO DEPART FROM THE U.S. ON (DATE)			I AM IN POSSESSION OF A TRANSPORTATION TICKET FOR MY DEPARTURE <input type="checkbox"/> YES <input type="checkbox"/> NO		
12. PASSPORT NO. *		EXPIRES ON (DATE)		ISSUED BY (COUNTRY)	
13. NUMBER, STREET, CITY, PROVINCE (STATE) AND COUNTRY OF PERMANENT RESIDENCE					
14. MY USUAL OCCUPATION IS:				15. SOCIAL SECURITY NO. (IF NONE, STATE "NONE")	
16. I <input type="checkbox"/> AM <input type="checkbox"/> AM NOT MARRIED. IF YOU WISH TO APPLY FOR EXTENSION FOR YOUR SPOUSE AND CHILDREN, GIVE THE FOLLOWING: (SEE INSTRUCTIONS # 1)					
NAME OF SPOUSE AND CHILDREN		DATE OF BIRTH		COUNTRY OF BIRTH	
				PASSPORT ISSUED BY (COUNTRY) AND EXPIRES ON (DATE)	
<b>NOTE</b> IF SPOUSE AND CHILDREN FOR WHOM YOU ARE SEEKING EXTENSION DO NOT RESIDE WITH YOU, GIVE THEIR COMPLETE ADDRESS ON A SEPARATE ATTACHMENT TO THIS APPLICATION.					
17. I (INSERT "HAVE" OR "HAVE NOT") BEEN EMPLOYED OR ENGAGED IN BUSINESS IN THE UNITED STATES. (IF YOU HAVE BEEN EMPLOYED OR ENGAGED IN BUSINESS IN THE UNITED STATES, COMPLETE THE REST OF THE BLOCK.)					
NAME AND ADDRESS OF EMPLOYER OR BUSINESS			INCOME PER WEEK		DATES EMPLOYMENT OR BUSINESS BEGAN AND ENDED
I certify that the above is true and correct					
SIGNATURE OF APPLICANT			DATE		
<b>SIGNATURE OF PERSON PREPARING FORM, IF OTHER THAN APPLICANT</b>					
I declare that this document was prepared by me at the request of the applicant and is based on all information on which I have any knowledge.					
SIGNATURE		ADDRESS		DATE	

ATTACH YOUR FORM I-94 OR I-144 — \*DO NOT SEND YOUR PASSPORT

Form I-529 (Rev. 5-5-83)N

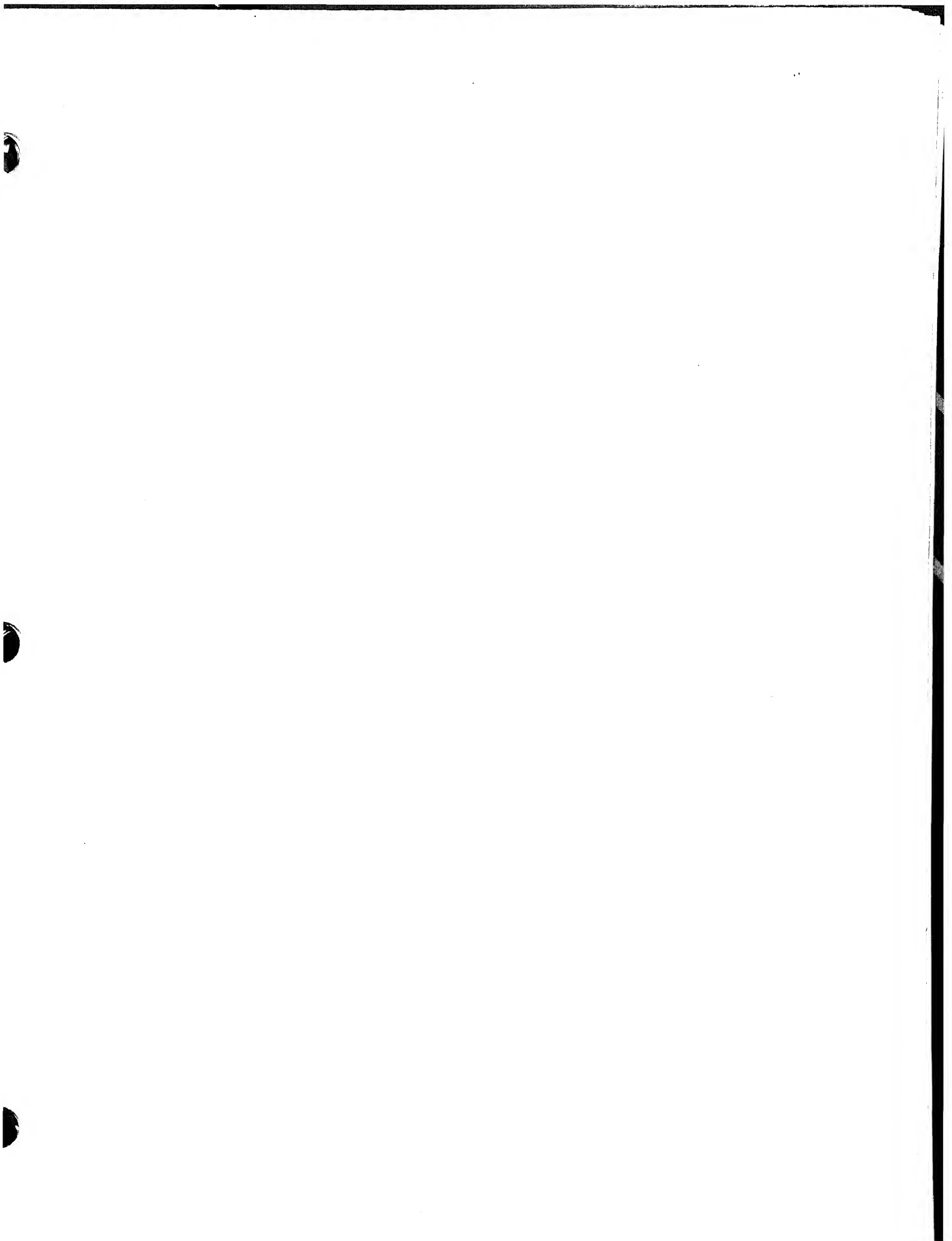
RECEIVED	TRANS. IN	RET'D. TRANS. OUT	COMPLETED

**ADDRESS LABEL**

**PLEASE SEE ENDORSEMENT  
ON ATTACHED FORM I-94  
REGARDING ACTION TAKEN  
ON YOUR APPLICATION.**

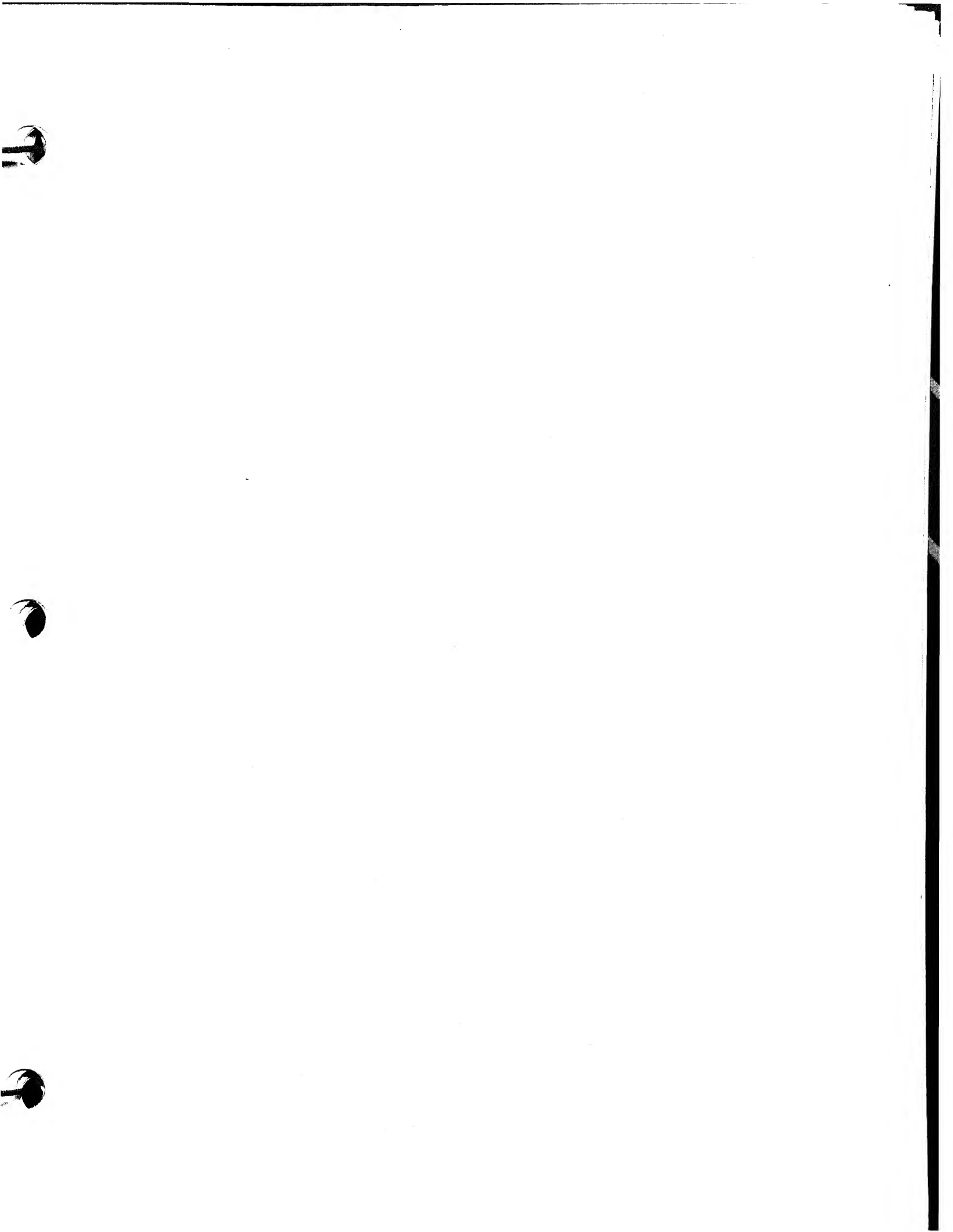
1. YOUR NAME	FAMILY NAME (CAPITAL LETTERS)		FIRST	MIDDLE	
IN CARE OF	C/O				
2. MAILING ADDRESS IN U.S.	NUMBER AND STREET (APT. NO.)			FILE NUMBER	
	CITY	STATE	ZIP CODE		
3. DATE OF BIRTH (MO./DAY/YR.)	COUNTRY OF BIRTH		COUNTRY OF CITIZENSHIP		
4. PRESENT NONIMMIGRANT CLASSIFICATION	DATE ON WHICH AUTHORIZED STAY EXPIRES				
5. DATE AND PORT OF LAST ARRIVAL IN U.S.	NAME OF VESSEL, AIRLINE, OR OTHER MEANS OF LAST ARRIVAL IN U.S.				
THE ADMISSION NUMBER FROM MY I-94 IS: ▶ . . . . .					
<b>FOR GOVERNMENT USE ONLY</b>					
<input type="checkbox"/> EXTENSION GRANTED TO (DATE)			DATE OF ACTION		
<input type="checkbox"/> EXTENSION DENIED V.D. TO (DATE)			DD OR OIC OFFICE		

FORM I-539A (REV. 8-8-83) N REPORT OF ACTION-N/1





<p>PHOTOGRAPH OF HOLDER</p> <p><b>SAMPLE</b></p>	<p><b>ALIEN REGISTRATION RECEIPT CARD</b> (Form I-55) (REV. 1-1-63)</p> <p>This card will be honored in lieu of a visa and passport on condition that the rightful holder is returning to the United States after a temporary absence of not more than one year and is not subject to exclusion under any provision of the immigration laws.</p> <p><b>REPORTING REQUIREMENTS</b></p> <p>You are required by law to notify the Attorney General of your current address during the month of January each year, and to provide notification of new address within 10 days from the date of each change. A penalty is provided by law for failure to do so. Forms may be obtained from any post office. Report applications or letters to the Immigration and Naturalization Service should include the "A" number.</p>
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(Please tear off this sheet before submitting application)

U. S. Department of Justice  
Immigration and Naturalization Service

## APPLICATION FOR ISSUANCE OF REFUGEE TRAVEL DOCUMENT

(Article 28, United Nations Convention of July 28, 1951 and  
Protocol of 1967 relating to Status of Refugees. 8 CFR 223 a)

### INSTRUCTIONS READ INSTRUCTIONS CAREFULLY. FEE WILL NOT BE REFUNDED.

**IMPORTANT - Please read attached instructions before filling out application. Use typewriter or print in block letters with ball-point pen. Be sure this application and the attached address mailing label are legible. Do not leave any question unanswered unless the instruction on the form expressly states that under certain circumstances it need not be answered. When appropriate insert "none" or "not applicable". If you need more space to answer fully any question on this form use a separate sheet of paper this size, and identify each answer with the number of the corresponding question.**

1. Eligibility. An application for a refugee travel document may be filed by any alien in the United States who is a refugee as defined in paragraph 2.

A refugee travel document will not be issued to an alien if:

- a. It is determined that there are compelling reasons of national security or public order for not issuing the document, or
- b. The alien is in the United States unlawfully and it is determined in the exercise of discretion that the document should not be issued.
- c. The alien is a lawful permanent resident who is in possession of a reentry permit previously issued unless such permit is surrendered with this application

2. Definition of Refugee — The term "refugee" means (A) any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or (B) in such special circumstances as the President after appropriate consultation, as defined in section 27(e) of The Immigration and Nationality Act (66 Stat. 163), may specify, any person who is within the country of such person's nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The term "refugee" does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.

The term refugee shall not apply to any person who: (1) has voluntarily re-availed himself/herself of the protection of the country of his/her nationality; or (2) having lost his/her nationality, has voluntarily re-acquired it; or (3) has acquired a new nationality, and enjoys the protection of the country of his/her new nationality; or (4) has voluntarily re-established himself/herself in the country in which he/she left or outside which he/she remained owing to fear of prosecution; or (5) can no longer continue to refuse to avail himself/herself of the protection of the country of his/her nationality because the circumstances in connection with which he/she has been recognized as a refugee have ceased to exist, or (6) being a person who has no nationality is able to return to the country of his/her former habitual residence because the circumstances in connection with which he/she has been recognized as a refugee have ceased to exist

3. Definition of Refugee Travel Document. The term "Refugee Travel Document" as used in this application means a document issued by the Immigration and Naturalization Service on Form I-571 in implementation of Article 28 of the United Nations Convention of July 28, 1951 in accordance with the provisions of Part 223a of Title 8 of the Code of Federal Regulations.

4. Submission of Application for Issuance of Refugee Travel Document. Application for issuance of the document must be submitted while you are in the United States and should be submitted, at least 45 days before the proposed date of your departure, to the Immigration and Naturalization Service office having jurisdiction over your place of residence.

A separate application must be executed by each applicant. A parent or guardian may file an application in behalf of a child who is under the age of 14 years. Form G-325A (Biographic Information) must be completed and submitted with each application if the applicant is 14 years of age or older. Failure to do so delays action and may result in return of the application. A Refugee Travel Document will cover only one applicant.

5. Documentary Evidence. If you believe you are a refugee because you came to the United States under a U.S. refugee law or program or because you were granted status or a benefit by the U.S. Immigration and Naturalization Service on the basis of a claim to persecution, you need not submit with this application documentary evidence to establish that you are a refugee. If it is determined after review of your case that such evidence should be submitted, you will be so advised.

If you believe you are a refugee on grounds other than those described in the preceding paragraph you should submit the best evidence available to you to establish that you are a refugee. Such evidence may be in the form of newspaper clippings or other published material, affidavits, letters, etc. Copies of newspaper clippings or other published material must be identified as to date, place and name of publication. Affidavits must be sworn to or affirmed by persons having personal knowledge of the events or circumstances involved, and must set forth the following: Affiant's full name, address, date and place of birth, relationship to you, if any, full information concerning the events or circumstances involved, and complete details concerning how the affiant acquired knowledge of the events or circumstances.

6. Alien Registration Receipt Card. You must attach to this application your Alien Registration Receipt Card (Form I-151, I-551, AR-3, AR-103, or I-94). If your Form I-94 is attached to your passport, the form should be removed for this purpose. **DO NOT SEND IN YOUR PASSPORT.** If you are not a lawful permanent resident of the United States and do not have Form I-94, apply for that form by executing and submitting an application on Form I-102 in accordance with the instructions on that application. If you are a lawful permanent resident of the United States and do not have Form I-151 or I-551, apply for that form by executing an application on Form I-90. Your Alien Registration Receipt Card will be returned to you.

7 Photographs - Submit two color photographs of yourself taken within 30 days of the date of this application. These photos must have a white background. Photos must be glossy, un-retouched and not mounted. Dimension of the facial image should be about 1 inch from chin to top of hair. Subject should be shown in 3/4 frontal view showing right side of face with right ear visible. Using pencil or ball pen, lightly print name (and Alien Registration Receipt Number if known) on the back of each photograph. Failure to comply with the above instructions will delay the processing of your application.

8. Reentry Permits If you are a lawful permanent resident of the United States you must submit with this application any reentry permits previously issued to you.

9. Fee. a fee of fifteen dollars (\$15) must be paid for filing this application. It cannot be refunded regardless of the action taken on the application. DO NOT MAIL CASH. ALL FEES MUST BE SUBMITTED IN THE EXACT AMOUNT. Payment by check or money order must be drawn on a bank or other institution located in the United States and be payable in United States currency. If applicant resides in Guam, check or money order must be payable to the "Treasurer, Guam." If applicant resides in the Virgin Islands, check or money order must be payable to the "Commissioner of Finance of the Virgin Islands." All other applicants must make the check or money order payable to the "Immigration and Naturalization Service." When check is drawn on account of a person other than the applicant, the name of the applicant must be entered on the face of the check. If application is submitted from outside the United States, remittance may be made by bank international money order or foreign draft drawn on a financial institution in the United States and payable to the "Immigration and Naturalization Service" in United States currency. Personal checks are accepted subject to collectibility. An uncollectible check will render the application and any document issued pursuant thereto invalid. A charge of \$5.00 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn.

10. Delivery of Refugee Travel Document. When a Refugee Travel Document is issued, it will be mailed to the applicant at the address in the United States as shown on the application form, unless the applicant requests that it be mailed to a different address in the United States. If the applicant finds it absolutely necessary to depart from the United States before securing the document, an Immigration and Naturalization Service officer should be consulted before leaving the United States.

11. Foreign Visas The Refugee Travel Document contains pages on which consular officers of foreign countries may affix visas for entry into those countries. It is advisable for you to check with the consular representatives of foreign countries which you intend to visit concerning the visa requirements (if any) of those countries, before traveling to them.

12. Authority The authority for collecting the information requested on this form is contained in 8 U.S.C. 1103 and Article 28 of the United Nations Convention of July 28, 1951 as modified by the Protocol Relating to the Status of Refugees of January 31, 1967, to which the United States is signatory. Submission of the information solicited is voluntary. The principal purpose for which the information is solicited is to determine the eligibility of the applicant for the benefits sought. The information solicited may also, as a matter of routine use, be disclosed to other federal, state, local and foreign law enforcement and regulatory agencies, the Department of Defense including any component thereof (if the applicant has served, or is serving in the Armed Forces of the United States), the Department of State, Central Intelligence Agency, Interpol, and individuals and organizations during the course of investigation to elicit further information required by the Service to carry out its function. Failure to provide the solicited information may result in the denial of the application.

(Please tear off this sheet before submitting application)

#### LAWFUL PERMANENT RESIDENT ALIENS - DOCUMENTS FOR ENTRY INTO THE UNITED STATES

In lieu of an immigrant visa a lawful permanent resident alien upon returning to the United States may present at time of application for reentry an Alien Registration Receipt Card on Form I-151 or I-551; or a Reentry Permit, or a Refugee Travel Document on Form I-571.

An Alien Registration Receipt Card Form I-151 or I-551, may be presented instead of a Reentry Permit or a Refugee Travel Document on Form I-571 after an absence of not more than one year. The 1-year time limitation is not applicable to the spouse or child of a member of the Armed Forces of the United States or of a civilian employee of the United States Government stationed abroad pursuant to official orders, if the spouse or child presents Form I-151 or I-551, did not relinquish lawful permanent residence, and is preceding or accompanying the member or employee or is following to join the member or employee in the United States within 4 months of the return of the member or employee.

If you prefer to travel with a Reentry Permit, you may submit an application for such permit on Form I-131. If you prefer to travel with a Refugee Travel Document, you may submit an application for that document on attached Form I-570.

#### LAWFUL PERMANENT RESIDENT ALIENS EFFECT OF ABSENCE FROM UNITED STATES UPON NATURALIZATION ELIGIBILITY

A Refugee Travel Document issued to a lawful permanent resident of the United States does not relieve the person to whom issued from meeting the requirements of the naturalization laws. Absence from the United States by an applicant for naturalization for a continuous period of 1 year or more during the period for which continuous residence in the United States is required for admission to citizenship will break the continuity of such residence, except where, prior thereto, the Attorney General has approved an absence (a) in the employment of, or under contract with, the United States Government or an American institution of research recognized as such by the Attorney General, or (b) in the employment of an American firm or corporation engaged in whole or part in the development of foreign trade and commerce in the United States or a subsidiary thereof, more than 50 percent of whose stock is owned by an American firm or corporation, or (c) in the employment of a public international organization of which the United States is a member by treaty or statute and by which the alien was not employed until after being lawfully admitted for permanent residence. In order to qualify for such approval the applicant must have been physically present and residing in the United States after being admitted for permanent residence for an uninterrupted period of at least one year. The granting of such approval does not exempt the applicant from the requirement that he/she be physically present in the United States for at least one-half of the period of residence required for naturalization except in the case of those persons who (a) are employed by, or under contract with the Government of the United States, (b) who are authorized to perform the ministerial or priestly functions of a religious denomination having a bona fide organization within the United States, or (c) who are engaged solely by a religious denomination or by an interdenominational mission organization having a bona fide organization within the United States as a missionary, brother, nun, or sister. Such approval should be applied for on Form N-470 "Application to Preserve Residence for Naturalization Purposes (under section 316(b) or 317, Immigration and Nationality Act)," available at any office of the Immigration and Naturalization Service. Aliens who are absent in connection with or for the purpose of performing the ministerial or priestly functions of a religious denomination having a bona fide organization in the United States, or who are engaged by such a denomination or an interdenominational mission organization having a bona fide organization within the United States, as a missionary, brother, nun, or sister are also eligible to make such application.

#### LAWFUL PERMANENT RESIDENT ALIENS EFFECT OF CLAIM TO NON-RESIDENT ALIEN STATUS FOR FEDERAL INCOME TAX PURPOSES

An alien who has actually established residence in the United States after having been admitted as an immigrant or after having adjusted status to that of an immigrant, and who is considering the filing of a non-resident alien tax return or the non-filing of a tax return on the ground that he/she is a nonresident alien should consider carefully the consequences under the immigration and naturalization laws if he/she does so.

If an alien takes such action, he/she may be regarded as having abandoned his/her residence in the United States and as having lost his/her immigrant status under the immigration and naturalization laws. As a consequence he/she may be ineligible for a visa or other document for which lawful permanent resident aliens are eligible, may be inadmissible to the United States if seeking admission as a returning resident, and may become ineligible for naturalization on the basis of his/her original entry and adjustment as an immigrant.

ALIENS WHO ARE NOT LAWFUL PERMANENT RESIDENTS  
EFFECT OF ABSENCE FROM THE UNITED STATES UPON ELIGIBILITY FOR  
STATUS AS PERMANENT RESIDENT ALIENS

If you were admitted to the United States as a conditional entrant and have not yet been in the United States for one year, you will not be considered eligible to seek status as a permanent resident under section 209(a) of the Immigration and Nationality Act, as amended, until you have returned to the United States and have completed the balance of the required one year period within the United States

If you are a refugee from Cuba who intends to apply for status as a permanent resident under the Act of November 2, 1966 and have not yet been physically present in the United States for one year, you will not be eligible to apply for that status until you have returned to the United States and have completed the balance of the required one year period of physical presence

An alien who has been paroled or admitted to the United States as a refugee, or who has been granted asylum in the United States, and who intends to apply for permanent residence under the provisions of Section 209(a) or (b) of the Immigration and Nationality Act, as amended, who departs the United States prior to completion of one year continuous physical presence will not be eligible to apply for such status until that alien has returned to the United States and has completed the balance of the required one year period of physical presence

CAUTION: It is the responsibility of each alien issued a Refugee Travel Document under the above conditions to establish that he/she continues to be qualified as a refugee upon return to the United States (See instruction page 1, paragraph 2, for definition of refugee)

PENALTIES

Severe penalties are provided by law for knowingly and willfully falsifying or concealing a material fact or using any false document in the submission of this application, or for knowingly forging, counterfeiting, altering or otherwise misusing a Refugee Travel Document

UNITED STATES DEPARTMENT OF JUSTICE  
Immigration and Naturalization Service

OMB No. 1115-0004

**APPLICATION FOR  
ISSUANCE OF  
REFUGEE TRAVEL DOCUMENT**

(Article 28, United Nations Convention of  
July 28, 1951 and Protocol of 1967  
relating to Status of Refugees, 8 CFR 223a)

FEE STAMP

<b>1 YOUR NAME</b>		FAMILY NAME ( <i>Capital Letters</i> )		FIRST	MIDDLE
IN CARE OF		C/O			
MAILING ADDRESS IN U.S.		(No. and Street)(Apt. No.)			
		(City)		(State)	(ZIP Code)
<b>2 ALIEN REGISTRATION NUMBER</b>					
<b>3 DATE OF BIRTH</b> ( <i>Month, Day, Year</i> )		COUNTRY OF BIRTH		COUNTRY OF NATIONALITY, IF ANY	
HEIGHT FEET INCHES		VISIBLE MARKS AND SCARS		COLOR OF EYES	
				COLOR OF HAIR	
Country from which I am a refugee					
<b>4</b> My present immigration status in the U.S. is (Parolee, lawful permanent resident, conditional entrant, visitor, etc.)					
<b>5.</b> At time of my last arrival in the U.S. I was accorded the immigration status of _____					
I last arrived in the U.S. at: (city and State)		on: (date)	by (name of vessel, airline or other means of travel)		I <input type="checkbox"/> was <input type="checkbox"/> was not inspected
I was last issued a visa by a U.S. Consul in: (city and country)			on (date)	Type of Visa	
<b>6. Check One:</b>  <input type="checkbox"/> I believe I am a refugee because I came to the U.S. under a U.S. refugee law or program, or because I was granted a status or benefit by the U.S. Immigration and Naturalization Service on the basis of a claim to persecution. <input type="checkbox"/> I believe I am a refugee for the following reasons: (Furnish specific details and attach supporting evidence).					
<b>7 a. Since becoming a refugee:</b>  I <input type="checkbox"/> have <input type="checkbox"/> have not voluntarily re-availed myself of the protection of the country of my nationality. <input type="checkbox"/> have <input type="checkbox"/> have not voluntarily re-acquired the nationality which I lost. <input type="checkbox"/> have <input type="checkbox"/> have not acquired a new nationality. <input type="checkbox"/> have <input type="checkbox"/> have not voluntarily re-established myself in the country which I left, or outside which I remained, owing to fear of persecution. The circumstances in the country of my nationality (or country of former habitual residence if stateless which resulted in my becoming a refugee) <input type="checkbox"/> have <input type="checkbox"/> have not ceased to exist.  b I <input type="checkbox"/> am <input type="checkbox"/> am not in possession of a passport or similar document. If you have such a document, give name of country of issuance and date of expiration.					
<b>8</b> I list below all organizations, societies, clubs, and associations, past or present, in which I have held membership, and the periods and places of such membership. (If you have never been a member of any organization, state "none".)					

9. I <input type="checkbox"/> have <input type="checkbox"/> have not been charged with a violation of law. (If you have ever been charged with a violation of law, give date and place and nature of each charge and the final result.)	
10. I <input type="checkbox"/> have <input type="checkbox"/> have not previously filed an application with the U.S. Government or any other government for a Refugee Travel Document under the U. N. Convention of July 28, 1951 relating to the status of refugees. (If you have ever filed such application, give the place and date of filing and final disposition.)	
11. Check one <input type="checkbox"/> My Alien Registration Receipt Card is attached <input type="checkbox"/> Application Form I-90 or I-102 for issuance of Alien Registration Receipt Card is attached	
12. FILL IN THIS BLOCK ONLY IF YOU HAVE PREVIOUSLY OBTAINED A REFUGEE TRAVEL DOCUMENT FROM THE U. S. I & N SERVICE Issuance date of last document: _____ Location of I & N Service Office issuing last document (city and state): _____ My last document <input type="checkbox"/> is <input type="checkbox"/> is not attached If document is not attached, state reason: _____	
13. I <input type="checkbox"/> have <input type="checkbox"/> have not been under exclusion or deportation proceedings in the United States. If you have been under exclusion or deportation proceedings give date and place proceedings were started.	
14. The following members of my family are also applying for a Refugee Travel Document (Give name and relationship.)          	
15. Date of proposed departure from U. S. _____	Length of intended absence abroad _____
Mailing address abroad (Number and street) _____ (City/Town) _____ (State/Province/District) _____ (Country) _____	
Countries to be visited (List each country) _____	Reasons for going abroad (Be concise and complete) _____          
16. I <input type="checkbox"/> did <input type="checkbox"/> did not register for Selective Service	
17. <input type="checkbox"/> Completed Form G-325A (Biographic Information) is attached as part of this application	<input type="checkbox"/> Completed Form G-325A (Biographic Information) is not attached as applicant is under 14 years of age

18. COMPLETE THIS BLOCK ONLY IF YOU ARE A LAWFUL PERMANENT RESIDENT

a. I ☐ have ☐ have not engaged in business or employment outside the United States since I became a permanent resident of the United States. (If you have engaged therein, briefly describe and show periods of such employment or business activity)

b. Since the time I became a permanent resident of the United States, I have filed a federal income tax return as a nonresident.  
☐ Yes ☐ No (If "Yes", state the years for which you filed tax return as a nonresident your address shown in each such return, and the location (city and state) of the Internal Revenue Service office where filed)

c. Since the time I became a permanent resident of the United States, I have failed to file a federal income tax return with respect to income I earned outside the U. S. because I regarded myself as a nonresident alien and therefore exempt from tax on such earnings.  
☐ Yes ☐ No (If "Yes" state the years for which you failed to file tax returns for that reason)

d. I ☐ do ☐ do not intend to return to the U. S. after my temporary visit abroad. If not, explain.

e. I ☐ do ☐ do not intend to retain my status as a lawful permanent resident. If not, explain.

f. I ☐ Have ☐ Have not been issued a reentry permit. (Any reentry permit in your possession must be attached to this application)

19. The Refugee Travel Document, if issued should be forwarded to

- ☐ My address as shown in Block #1.  
☐ U. S. Embassy or Consulate at \_\_\_\_\_  
☐ U. S. Immigration and Naturalization Service Office at \_\_\_\_\_  
☐ Other (Specify) \_\_\_\_\_

20. If your native alphabet is not other than Roman letters, write your name in your native alphabet in this block.

I certify that the above is true and correct.  
 Signature of Applicant.

Date of Signature

21. (Signature of person preparing form, if other than applicant.) I declare that this application was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.

Date:

Address of person preparing form, if other than applicant

Occupation:

APPLICANT-DO NOT WRITE BELOW THIS LINE

DATE OF ACTION  DD  DISTRICT	Document Number	Valid To (Date)	DELIVERY OF DOCUMENT BY <input type="checkbox"/> MAIL <input type="checkbox"/> PERSONAL DELIVERY EMPLOYEE EFFECTING PERSONAL DELIVERY (Initials) (Office) (Date)
	Status which may be accorded alien upon return to U. S.		
	Restriction on travel in following countries waived		

UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE

ADDRESS LABEL FOR REFUGEE TRAVEL DOCUMENT  
(PLEASE INSURE THAT THIS ADDRESS LABEL IS LEGIBLE)

A Refugee Travel Document does not insure your readmission if, for any cause under the general immigration laws, you are not admissible into the United States. You are advised to read the information and instructions printed in the Refugee Travel Document.

Your attention is called to Section 6851 (d) of Title 26, United States Code which reads as follows: "No alien shall depart from the United States unless he/she first procures from the Secretary or his/her delegate a certificate that he/she has complied with all the obligations imposed upon him/her by the income tax laws." It is suggested that you call or communicate with your local office of the District Director of Internal Revenue, United States Treasury Department, for information concerning such a certificate. This should be done within 30 days of the date of your proposed departure from the United States.

Requirements for entry into and departure from countries on your itinerary should be ascertained from embassies or consulates of those countries well in advance of your scheduled travel.

UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE

Fill in this address label ONLY if you wish delivery of your Refugee Travel Document to an address in the United States other than your address shown in Block 1.

Print your name and complete mailing address where the Refugee Travel Document should be mailed in the block below. PLEASE INSURE THAT THIS ADDRESS LABEL IS LEGIBLE.

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UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE  
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--

REQUEST FOR ASYLUM IN THE UNITED STATES

**INSTRUCTIONS**

**READ ALL INSTRUCTIONS CAREFULLY BEFORE COMPLETING THIS FORM**

**1. General:**

Use typewriter or print legibly in block letters with ballpoint pen.

**DO NOT LEAVE ANY QUESTIONS UNANSWERED.** Where appropriate insert "none" or "not applicable". If you need more space to fully answer any question, use a separate sheet of paper this size and identify each answer with the number of the corresponding question. One form may include an entire family (husband, wife, and children if they are also applying for asylum) except children over age 21 or married, who must file a separate form.

Each applicant age 14 or older must complete the Biographic Information Form G-325A and Fingerprint Chart FD-258.

**2. SUBMISSION OF FORM:**

Be sure to sign, mail or take this form to the Immigration and Naturalization Service having jurisdiction over your place of residence.

**3. FINGERPRINTS:**

Fingerprint cards with instructions for their completion are available at the office of the Immigration and Naturalization Service where you intend to file your application. You may have your fingerprints recorded on Form FD-258 at an office of the Immigration and Naturalization Service, other Law Enforcement Offices, Immigration and Naturalization Service Outreach Centers, Charitable and Voluntary Agencies. The card must be signed by you in the presence of the individual taking your prints, who must then sign his name and enter the date in the spaces provided. It is important to furnish all the information called for on the card.

**4. PASSPORT INFORMATION:**

You will be notified to appear for an interview with an Immigration Officer within 45 days after your form is received. You must bring your passport with you to this interview. If other members of your family are included in your form, they must also appear for the interview and bring their passports.

An immigration officer will interview you regarding asylum and make an evaluation of the propriety of the claim.

You may remain in the United States until a final decision is made on your case (or you are notified otherwise by this Service).

**5. UNITED NATIONS:**

You may, if you wish, forward a copy of your form and other supporting documents to the: Regional Representative of the United Nations, High Commissioner for Refugees, United Nations, 1785 Massachusetts Ave. N.W. Washington, D.C. 20036.

**6. SUPPORTING DOCUMENTS:**

Background materials, such as newspaper articles, affidavits of witnesses or experts, periodicals, journals, books, photographs, official documents, your own statements, etc., must include explanations from you of their relevance to your personal case and situation. Give full citation of your sources, dates, pages, etc.

The burden of proof is upon you to establish that you have a wellfounded fear of persecution on account of your race, religion, nationality, membership in a particular social group or political opinion, and for this reason you are unwilling or unable to return to your country of last residence. To persecute is defined as: "to pursue; to harass in a manner designed to injure, grieve or afflict; to oppress; specifically, to cause to suffer or put to death because of belief".

Answer all questions on this form as to "when", "where", "how", "who", and "why" relating to your claim of persecution.

Attach as many sheets and explanations as necessary to fully explain the basis of your claim.

**7. TRANSLATION:**

Any document in a foreign language must be accompanied by a translation in English. The translator must certify that he or she is competent to translate and that the translation is accurate.

(over)

**8. WORK AUTHORIZATION:**

You may request permission to work while your asylum form is pending. Submit a written statement with this form explaining your reasons and include the original Form I-94 ARRIVAL AND DEPARTURE RECORD of each person seeking work.

Generally, work authorization, if granted, will be valid during the pendency of the form.

**9. PENALTY:**

Title 18, United States Code, section 1546, provides, "whoever knowingly makes under oath any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit or other document containing any such false statement, shall be fined not more than \$2,000 or imprisoned not more than 5 years or both."

REQUEST FOR ASYLUM IN THE UNITED STATES

INS Office:
Date:

1. Family Name		First	Middle Name		2. A number (if any or known)	
All other names used at any time (include maiden name if married)					3. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	
I was born: (Month) (Day) (Year) in (Town or City) (State or Province)					4. Marital status <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed	
Nationality — at birth		At present		Other nationalities		
5. If stateless, how did you become stateless?						
6. Ethnic group		7. Religion		8. Languages spoken		
9. Address in United States (In care of, C/O, if appropriate) (Number and street) (Apt. No.) (City or town) (State) (Zip Code)					10. Telephone number (include area code)	
11. Address abroad prior to coming to the United States (Number and street) (City) (Province) (Country)						
12. My last arrival in the U.S. occurred on: (Mo/Day/Yr)				As a <input type="checkbox"/> Visitor <input type="checkbox"/> Student <input type="checkbox"/> Stowaway <input type="checkbox"/> Crewman <input type="checkbox"/> Other (Specify)		
At the port of (City/State)				Means of arrival (Name of vessel or airline and flight number, etc.)		
I <input type="checkbox"/> was <input type="checkbox"/> was not inspected				Date authorized stay expires (Mo/Day/Yr)		
13. My nonimmigrant visa number is _____, it was issued by the U.S. Consul on _____ (If none, state "none") (Mo/Day/Yr) at _____ (City, County)						
14. Name and location of schools attended		Type of school	From Mo/Yr	To Mo/Yr	Highest grade completed	Title of degree or certification
15. What specific skills do you have?						16. Social Security No. (if any)
17. Name of husband or wife (wife's maiden name)						
18. My husband or wife resides <input type="checkbox"/> with me <input type="checkbox"/> apart from me (if apart, explain why)						
Address (Apt. No.) (No. and street) (Town or city) (Province or state) (Country)						

RECEIVED	TRANS IN	RET'D TRANS OUT	COMPLETED

19. If in the U.S. is your spouse included in your request for asylum? <input type="checkbox"/> Yes <input type="checkbox"/> No (If not, explain why)						
20. If in the U.S. is spouse making separate application for asylum? <input type="checkbox"/> Yes <input type="checkbox"/> No (If not, explain why)						
21. If in the U.S. are children included in your request for asylum? <input type="checkbox"/> Yes <input type="checkbox"/> No (If not, explain why)						
22. I have ——— sons or daughters as follows: (Complete all columns as to each son or daughter. If living with you state "with me" in last column; otherwise give city and state or foreign country of son's or daughter's residence).						
Name	Sex	Place of birth	Date of birth	Now living at		
23. Relatives in U.S. other than immediate family						
Name	Address			Relationship	Immigration status	
24. Other relatives who are refugees but outside the U.S.						
Name	Relationship			Country where presently located		
25. List all travel or identity documents such as national passport, refugee convention travel document or national identity card						
Document type	Document number	Issuing country or authority	Date of issue	Date of expiration	Cost	Obtained by whom
26. Why did you obtain a U.S. visa?						
27. If you did not apply for a U.S. visa, explain why not?						
28. Date of departure from your country of nationality (Mo/Day/Yr)			29. Was exit permission required to leave your country? <input type="checkbox"/> Yes <input type="checkbox"/> No (If so, did you obtain exit permission <input type="checkbox"/> Yes <input type="checkbox"/> No (If not, explain why)			

30. Are you entitled to return to country of issuance of your passport <input type="checkbox"/> Yes <input type="checkbox"/> No Travel document <input type="checkbox"/> Yes <input type="checkbox"/> No Or other document <input type="checkbox"/> Yes <input type="checkbox"/> No (If not, explain why)
31. What do you think would happen to you if you returned? (Explain)
32. When you left your home country, to what country did you intend to go?
33. Would you return to your home country? <input type="checkbox"/> Yes <input type="checkbox"/> No (Explain)
34. Have you or any member of your immediate family ever belonged to any organization in your home country? <input type="checkbox"/> Yes <input type="checkbox"/> No. (If yes, provide the following information relating to each organization: Name of organization, dates of membership or affiliation, purpose of the organization, what, if any, were your official duties or responsibilities, and are you still an active member. (If not, explain)
35. Have you taken any action that you believe will result in persecution in your home country? <input type="checkbox"/> Yes <input type="checkbox"/> No (If yes, explain)
36. Have you ever been <input type="checkbox"/> detained <input type="checkbox"/> interrogated <input type="checkbox"/> convicted and sentenced <input type="checkbox"/> imprisoned in any country? <input type="checkbox"/> Yes <input type="checkbox"/> No (If yes, specify for each instance: what occurred and the circumstances, dates, location, duration of the detention or imprisonment, reason for the detention or conviction, what formal charges were placed against you, reason for the release, names and addresses of persons who could verify these statements. Attach documents referring to these incidents, if any).
37. If you base your claim for asylum on current conditions in your country, do these conditions affect your freedom more than the rest of that country's population? <input type="checkbox"/> Yes <input type="checkbox"/> No (If yes, explain)
38. Have you, or any member of your immediate family, ever been mistreated by the authorities of your home country/country of nationality <input type="checkbox"/> Yes <input type="checkbox"/> No. If yes, was it mistreatment because of <input type="checkbox"/> Race <input type="checkbox"/> Religion <input type="checkbox"/> Nationality <input type="checkbox"/> Political opinion or <input type="checkbox"/> Membership of a particular social group? Specify for each instance: what occurred and the circumstances, date, exact location, who took such action against you and what was his/her position in the government, reason why the incident occurred, names and addresses of people who witnessed these actions and who could verify these statements. Attach documents referring to these incidents.
39. After leaving your home country, have you traveled through (other than in transit) or resided in any other country before entering the U.S.? <input type="checkbox"/> Yes <input type="checkbox"/> No (If yes, identify each country, length of stay, purpose of stay, address, and reason for leaving, and whether you are entitled to return to that country for residence purposes.
40. Why did you continue traveling to the U.S.?
41. Did you apply for asylum in any other country? <input type="checkbox"/> Yes—Give details <input type="checkbox"/> No—Explain why not

<p>42. Have you been recognized as a refugee by another country or by the United Nations High Commissioner for Refugees? <input type="checkbox"/> Yes <input type="checkbox"/> No (If yes, where and when)</p>
<p>43. Are you registered with a consulate or any other authority of your home country abroad? <input type="checkbox"/> Yes—Give details <input type="checkbox"/> No—Explain why not</p>
<p>44. Is there any additional information not covered by the above questions? (If yes, explain)</p>
<p>45. Under penalties of perjury, I declare that the above and all accompanying documents are true and correct to the best of my knowledge and belief.</p>
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>_____ (Signature of Applicant)</p> </div> <div style="width: 45%;"> <p>_____ (Date)</p> </div> </div>

<p>_____ (Interviewing Officer)</p> <p style="text-align: center;">ACTION BY ADJUDICATING OFFICER</p> <p>_____ (Adjudicating Officer)</p> <p>Advisory opinion requested <input type="checkbox"/></p>	<p>_____ (Date of Interview)</p> <p style="text-align: center;"><input type="checkbox"/> GRANTED      <input type="checkbox"/> DENIED</p> <p>_____ (Date)</p> <p>_____ (Date)</p>
--	---



PLEASE DO NOT WRITE IN THIS BLOCK

<b>PETITION TO CLASSIFY ORPHAN AS AN IMMEDIATE RELATIVE</b>  (Section 101(b)(1)(F) of the Immigration and Nationality Act, as amended.)		Fee Stamp
		File No.
<b>TO THE SECRETARY OF STATE:</b> The petition was filed by: <input type="checkbox"/> married petitioner <input type="checkbox"/> unmarried petitioner The petition is approved for orphan: <input type="checkbox"/> adopted abroad <input type="checkbox"/> coming to U.S. for adoption. Preadoption requirements have been met.  Remarks:		DATE OF ACTION  DD  DISTRICT

TYPE OR PRINT LEGIBLY IN INK. USE A SEPARATE PETITION FOR EACH CHILD.

Petition is being made to classify the named orphan as an immediate relative.

<b>BLOCK I.—INFORMATION ABOUT PETITIONER</b>					
1. My name is (Last) (First) (Middle)			2. Other names used; (including maiden name if married woman)		
3. I reside in the United States at (C/O, if appropriate) (Apt. No.) (Number and street) (Town or city) (State) (Zip Code)					
4. Address abroad (if any) (Number and street) (Town or city) (Province) (Country)					
5. I was born: (Month) (Day) (Year) In: (Town or city) (State or Province) (Country)			6. My phone number is		
7. I am a citizen of the United States <input type="checkbox"/> through birth in the U.S. <input type="checkbox"/> through parents <input type="checkbox"/> through naturalization <input type="checkbox"/> through marriage (1) If acquired through naturalization, give name under which naturalized, number of naturalization certificate, and date and place of naturalization: _____ (2) If acquired through parentage or marriage, have you obtained a certificate of citizenship in your own name based on that acquisition? _____ (a) If so, give number of certificate and date and place of issuance. _____ (b) If not, submit evidence of citizenship in accordance with Instruction 2.a.(2). _____ Have you or any person through whom you claim citizenship ever lost United States citizenship? _____ If so, attach detailed explanation on separate sheet.					
8a. My marital status is <input type="checkbox"/> Married <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced <input type="checkbox"/> Single b. I <input type="checkbox"/> Have <input type="checkbox"/> Have not been previously married. c. If you have been previously married, state number of times _____					
9. If you are now married, give the following information:  a. Date and place of present marriage _____  b. Name of present spouse (include maiden name of wife) _____ c. Date of birth of spouse (Month) (Day) (Year) _____  d. Place of birth of spouse (City) (State) (Country) _____ e. Number of prior marriages of spouse. _____  f. My spouse resides <input type="checkbox"/> with me <input type="checkbox"/> apart from me at address (Apt. No.) (No. and street) (City) (State) (Country) _____					

Received	Trans. In	Ret'd-Trans. Out	Completed

Block II.—INFORMATION ABOUT ORPHAN BENEFICIARY					
10. Name at birth (First)		(Middle)		(Last)	
11. Name at present (First)		(Middle)		(Last)	
12. Sex					
13. Any other names by which orphan is or was known		14. Date of birth (City) (State or Province) (Country)			
15. The beneficiary is an orphan because: (Check one) <input type="checkbox"/> He/She has no parents <input type="checkbox"/> He/She has only one parent who is the sole or surviving parent.					
16. If the orphan has only one parent, answer the following:					
a. State what has become of other parent _____					
b. Is the remaining parent capable of providing for the orphan's support? <input type="checkbox"/> Yes <input type="checkbox"/> No					
c. Has the remaining parent, in writing, irrevocably released the orphan for emigration and adoption? <input type="checkbox"/> Yes <input type="checkbox"/> No					
17. a. Has the orphan been adopted abroad by the petitioner and spouse jointly or the unmarried petitioner? <input type="checkbox"/> Yes <input type="checkbox"/> No					
b. If yes, did the petitioner and spouse or unmarried petitioner personally see and observe the child prior to or during the adoption proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No					
c. Date and place of adoption _____					
18. If the answer to question 17a or 17b is "No", answer the following:					
a. Do petitioner and spouse jointly or does the unmarried petitioner intend to adopt the orphan in the United States? <input type="checkbox"/> Yes <input type="checkbox"/> No					
b. Have the preadoption requirements, if any, of the orphan's proposed state of residence been met? <input type="checkbox"/> Yes <input type="checkbox"/> No					
c. If no, will they be met later? <input type="checkbox"/> Yes <input type="checkbox"/> No					
19. a. To petitioner's knowledge, does the orphan have any physical or mental affliction? <input type="checkbox"/> Yes <input type="checkbox"/> No					
b. If yes, name the affliction _____					
20. Who has legal custody of the child? _____					
21. Name of child welfare agency, if any, assisting in this case: _____					
22. Name and address of attorney abroad, if any, representing petitioner in this case: _____					
23. Address in the United States where orphan will reside (Number) (Street) (City) (State) (Zip Code)					
24. Present address of orphan (Apartment) (Number) (Street) (City) (State or province) (Country)					
If orphan is residing in an institution, give full name of institution _____					
If orphan is not residing in an institution, give full name of person with whom orphan is residing _____					
Give any additional information necessary to locate orphan such as name of district, section, zone or locality in which orphan resides _____					
25. Location of American Consulate where application for visa will be made (City in Foreign Country) (Foreign Country)					
CERTIFICATION OF PETITIONER			CERTIFICATION OF MARRIED PETITIONER'S SPOUSE		
I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and that I will care for the beneficiary of this petition properly if the beneficiary is admitted to the United States.  _____ (Signature of Petitioner)			I certify that my spouse and I will care for the beneficiary of this petition properly if the beneficiary is admitted to the United States.  Date _____ This _____ day of _____ 19____ _____ (Signature of Petitioner's Spouse)		
Executed on _____			Signature of Person Preparing Form, if Other Than Petitioner. I declare that this document was prepared by me at the request of the Petitioner and is based on all information of which I have any knowledge. Signature: _____ Address: _____ Date: _____		

INSTRUCTIONS

1. ELIGIBILITY.

- a. *Child.* Under immigration law, an orphan is an alien child who has no parents because of the death or disappearance of, abandonment or desertion by, or separation or loss from both parents. An orphan is also a child who has only one parent who is not capable of taking care of the orphan and has, in writing, irrevocably released the orphan for emigration and adoption. A petition to classify an alien as an orphan may not be filed in behalf of a child in the United States unless that child is in parole status and has not been adopted in the United States. The petition must be filed before the child's sixteenth birthday.
- b. *Parent(s).* The petition may be filed by a married United States citizen and spouse or unmarried United States citizen at least twenty-five years of age. The spouse does not need to be a United States citizen.
- c. *Adoption abroad.* If the orphan was adopted abroad, it must be established that both the married petitioner and spouse or the unmarried petitioner personally saw and observed the child prior to or during the adoption proceedings. The adoption decree must show that a married petitioner and spouse adopted the child jointly or that an unmarried petitioner was at least twenty-five years of age at the time of the adoption.
- d. *Proxy adoption abroad.* If both the petitioner and spouse or the unmarried petitioner did not personally see and observe the child prior to or during the adoption proceedings abroad, the petitioner (and spouse, if married) must submit a statement indicating the petitioner's (and, if married, the spouse's) willingness and intent to readopt the child in the United States. If requested, the petitioner must submit a statement by an official of the state in which the child will reside that readoption is permissible in that state. In addition, evidence of compliance with the preadoption requirements, if any, of that state must be submitted.
- e. *Preadoption requirements.* If the orphan has not been adopted abroad, the petitioner and spouse or the unmarried petitioner must establish that the child will be adopted in the United States by the petitioner and spouse jointly or by the unmarried petitioner and that the preadoption requirements, if any, of the state of the orphan's proposed residence have been met.

2. **FILING PETITION FOR KNOWN CHILD.** An orphan petition for a child who has been identified must be submitted on a completed Form I-600 with the certification of petitioner executed and the required fee. If the petitioner is married, the Form I-600 must also be signed by the petitioner's spouse. The petition must be accompanied by the following:

- a. **Proof of United States citizenship of the petitioner.**
  - (1) If the petitioner is a citizen by reason of birth in the United States, submit the petitioner's birth certificate, or if birth certificate is unobtainable, a copy of petitioner's baptismal certificate under seal of the church, showing place of birth, (baptism must have occurred within 2 months after birth), or if birth or baptismal certificate cannot be obtained, affidavits of two United States citizens who have personal knowledge of petitioner's birth in the United States.
  - (2) If the petitioner was born outside the United States and became a citizen through the naturalization or citizenship of a parent or husband and has not been issued a certificate of citizenship in his/her own name, submit evidence of the citizenship and marriage of the parent or husband, as well as termination of any prior marriages. Also, if petitioner claims citizenship through a parent, submit petitioner's birth certificate and a separate statement showing the date, port, and means of all his/her arrivals and departures into and out of the United States.
  - (3) If petitioner's naturalization occurred within 90 days immediately preceding the filing of this petition, or if it occurred prior to September 27, 1906, the naturalization certificate must accompany the petition.

AN UNEXPIRED U.S. PASSPORT VALID FOR FIVE YEARS MAY ALSO BE SUBMITTED.

- b. **Proof of marriage of petitioner and spouse.**

The married petitioner should submit a certificate of the marriage and proof of termination of all prior marriages of himself/herself and spouse. In the case of an unmarried petitioner who was previously married, submit proof of termination of all prior marriages. NOTE: IF ANY CHANGE OCCURS IN THE PETITIONER'S MARITAL STATUS WHILE THE CASE IS PENDING, THE DISTRICT DIRECTOR SHOULD BE NOTIFIED IMMEDIATELY.
- c. **Proof of age of orphan.**

Petitioner should submit certificate of orphan's birth if obtainable; if not obtainable, submit an explanation together with the best available evidence of birth.
- d. **Death certificate(s) of the child's parent(s), if applicable.**
- e. **A certified copy of adoption decree together with certified translation, if the orphan has been lawfully adopted abroad.**
- f. **Evidence that the sole or surviving parent is incapable of providing for the orphan's care and has in writing irrevocably released the orphan for emigration and adoption, if the orphan has only one parent.**
- g. **Evidence that the orphan has been unconditionally abandoned to an orphanage, if the orphan has been placed in an orphanage by his/her parent or parents.**
- h. **Evidence that the preadoption requirements, if any, of the state of the orphan's proposed residence have been met, if the child is to be adopted in the United States. If it is not possible to submit this evidence upon initial filing of the petition under the laws of the state of proposed residence, it may be submitted later. The petition, however, will not be approved without it.**
- i. **A home study with a statement or attachment recommending or approving of the adoption or proposed adoption signed by an official of the responsible state agency in the state of the child's proposed residence or of an agency authorized by that state, or, in the case of a child adopted abroad, of an appropriate public or private adoption agency which is licensed in the United States. Both individuals and organizations may qualify as agencies. If the recommending agency is a licensed agency, the recommendation must set forth that it is licensed, the state in which it is licensed, its license number, if any, and the period of validity of its license. The research, including interviewing, however, and the preparation of the home study may be done by an individual or group in the United States or abroad satisfactory to the recommending agency. A responsible state agency or licensed agency can accept a home study made by an unlicensed or foreign agency and use that home study as a basis for a favorable recommendation. The home study must contain, but is not limited to, the following elements:**
  - (1) The financial ability of the adoptive or prospective parent or parents to rear and educate the child.
  - (2) A detailed description of the living accommodations where the adoptive or prospective parent or parents currently reside.
  - (3) A detailed description of the living accommodations where the child will reside.
  - (4) A factual evaluation of the physical, mental, and moral capabilities of the adoptive or prospective parent or parents in relation to rearing and educating the child.
- j. **Fingerprints.**

Completed fingerprint cards (Forms FD-258) must be submitted by both the married petitioner and spouse or by the unmarried petitioner. The cards are available at any office of the Immigration and Naturalization Service. The fingerprints may be recorded on Forms FD-258 by Service employees, other law enforcement officers, Service outreach centers, charitable and voluntary agencies, and any other reputable persons or organizations.

3. **FILING PETITION FOR KNOWN CHILD WITHOUT FULL DOCUMENTATION ON CHILD OR HOME STUDY.** When a child has been identified but the documentary evidence relating to him/her or the home study is not yet available, an orphan petition may be filed without that evidence or home study. The evidence outlined in Instructions 2a, 2b, and 2j, however, must be submitted. If the necessary evidence relating to the child or the home study is not submitted within one year from the date of submission of the petition, the petition will be considered abandoned, and the fee will not be refunded. Any further proceedings will require the filing of a new petition.
4. **SUBMITTING AN APPLICATION FOR ADVANCE PROCESSING OF AN ORPHAN PETITION IN BEHALF OF A CHILD WHO HAS NOT BEEN IDENTIFIED.** A prospective petitioner may request advance processing when the child has not been identified or when the prospective petitioner and/or spouse are/is going abroad to locate or adopt a child. If unmarried, the prospective petitioner must be at least twenty-four years of age provided that he/she will be at least twenty-five at the time of the adoption and when the completed petition in behalf of a child is filed. The request must be on Form I-600A, Application for Advance Processing of Orphan Petition, and must be accompanied by the evidence required by that form. After a child or children are located and/or identified, a separate Form I-600, Petition to Classify Orphan as an Immediate Relative, must be filed for each child. A new fee is not required if only one Form I-600 is filed, if it is filed within one year of completion of all advance processing in a case where there has been a favorable determination concerning the prospective petitioner's ability to care for a beneficiary orphan. Normally, Form I-600 should be submitted to the office of this Service where the advance processing application was filed. A prospective petitioner who is going abroad to adopt or locate a child in a country other than Austria, Germany, Greece, Italy, Korea, the Philippines, Hong Kong, Mexico, Singapore, Uruguay, or Thailand, however, should file Form I-600 at the American consulate or embassy having jurisdiction over the place where the child is residing or will be located unless the case is being retained at the stateside office. A prospective petitioner who is going abroad to adopt or locate a child in Austria, Germany, Greece, Italy, Korea, the Philippines, Singapore, Hong Kong, Mexico, Uruguay, or Thailand should file Form I-600 at the Service office having jurisdiction over the place where the child is residing or will be located unless the case is being retained at the stateside office. The case may be retained at the stateside office if the petitioner requests it and it appears that the case will be processed more quickly that way.
5. **DOCUMENTS IN GENERAL.** All supporting documents must be originals or official copies of the original records issued by and bearing the seals of the official custodians of the records. If return of the originals is desired and if copies are by law permitted to be made, photostatic or typewritten copies may be submitted. A photostatic copy unaccompanied by the original may be accepted if the copy bears a certification by an immigration or consular officer that the copy was compared with the original and found to be identical. Any document in a foreign language must be accompanied by a translation in English. The translator must certify that he/she is competent to translate and that the translation is accurate. **DO NOT MAKE A PHOTOSTAT OF A CERTIFICATE OF NATURALIZATION OR CITIZENSHIP.**
6. **SUBMISSION OF PETITION.** A petitioner residing in the United States should send the completed petition to the office of this Service

having jurisdiction over his/her place of residence. A petitioner residing outside the United States should consult the nearest American consulate or embassy for the office of this Service or American consulate or embassy designated to act on the petition.

7. **FEE.** Read instructions carefully. A fee of fifty dollars (\$50) must be paid for filing this petition. It cannot be refunded regardless of the action taken on the petition. **DO NOT MAIL CASH. ALL FEES MUST BE SUBMITTED IN THE EXACT AMOUNT.** Payment by check or money order must be drawn on a bank or other institution located in the United States and be payable in United States currency. If petitioner resides in Guam, check or money order must be payable to the "Treasurer, Guam." If petitioner resides in the Virgin Islands, check or money order must be payable to the "Commissioner of Finance of the Virgin Islands." All other petitioners must make the check or money order payable to the "Immigration and Naturalization Service." When a check is drawn on the account of a person other than the petitioner, the name of the petitioner must be entered on the face of the check. If petition is submitted from outside the United States, remittance may be made by bank international money order or foreign draft drawn on a financial institution in the United States and payable to the Immigration and Naturalization Service in United States currency. Personal checks are accepted subject to collectibility. An uncollectible check will render the petition and any document issued pursuant to it invalid. A charge of \$5.00 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn. **WHEN MORE THAN ONE PETITION IS SUBMITTED BY THE SAME PETITIONER IN BEHALF OF ORPHANS WHO ARE BROTHERS AND/OR SISTERS, ONLY ONE FEE WILL BE REQUIRED.**
8. **ASSISTANCE.** Assistance may be obtained from a recognized social agency or from any public or private agency. The following recognized social agencies, which have offices in many of the principal cities of the United States, have agreed to furnish assistance:
 

American Branch of International Social Services, Inc.  
343 East 64th Street  
New York, New York 10017

Greek Archdiocese of North and South America  
10 East 79th Street  
New York, New York 10021

United HIAS Service, Inc.  
200 Park Avenue South  
New York, New York 10003

Catholic Committee For Refugees  
United States Catholic Conference  
201 Park Avenue South  
New York, New York 10003

Church World Service, Inc.  
475 Riverside Drive  
New York, New York 10027
9. **PENALTIES.** Willful false statements on this form or supporting documents can be punished by fine or imprisonment. U.S. Code, Title 18, Sec. 1001 (Formerly Sec. 80).
10. **AUTHORITY.** 8 USC 1154(a). Routine uses for disclosure under the Privacy Act of 1974 have been published in the Federal Register and are available upon request. The Immigration and Naturalization Service will use the information to determine immigrant eligibility. Submission of the information is voluntary, but failure to provide any or all of the information may result in denial of the petition.

Instructions

Please read instructions carefully. Fee will not be refunded.

Please type or print plainly with a ball point pen.

I. Filing the Application

The application and supporting documents should be taken or mailed to:

The American Consulate at which the applicant is applying for a visa, if the applicant is not in the United States; or

The office of the Immigration and Naturalization Service having jurisdiction over the applicant's place of residence, if the applicant is in the United States, and is applying for status as a permanent resident.

II. Fee

No fee is required if this application is filed for an alien who:

Is afflicted with tuberculosis;

Is mentally retarded; or

Has a history of mental illness.

All other applications must be accompanied by a fee of thirty-five dollars (\$35). The fee cannot be refunded, regardless of the action taken on the application. Do not mail cash.

Payment must be made by a check or money order:

Drawn on a bank or other institution located in the United States;

Payable in United States currency; and

Payable in the exact amount (\$35).

If the check is drawn on an account of a person other than the applicant, the name of the applicant must be entered on the face of the check.

Personal checks are accepted subject to collectibility. An uncollectible check will void the application and any documents issued pursuant to the application. A charge of \$5.00 will be imposed if the check is not honored by the bank on which it is drawn.

Unless the applicant resides in the *Virgin Islands or Guam*, the check or money order must be made payable to the "Immigration and Naturalization Service".

If applicant resides in the *Virgin Islands*, make the check or money order payable to the "Commissioner of Finance of the *Virgin Islands*".

If applicant resides in *Guam*, make the check or money order payable to the "Treasurer, *Guam*".

III. Applicants with Tuberculosis

An applicant with active tuberculosis or suspected tuberculosis must complete Statement A on page two of this form. The applicant and his or her sponsor is also responsible for having:

Statement B completed by the physician or health facility which has agreed to provide treatment or observation, and

Statement D, if required, completed by the appropriate local or state health officer.

This form should then be returned to the applicant for presentation to the consular office, or to the appropriate office of the Immigration and Naturalization Service.

Submission of the application without the required fully executed statements will result in return of the application to the applicant without further action.

IV. Applicants with Mental Conditions

*An alien who is mentally retarded or who has a history of mental illness shall attach a statement that arrangements have been made for the submission of a medical report, as follows, to the office where this form is filed:*

The medical report shall contain:

A complete medical history of the alien, including details of any hospitalization or institutional care or treatment for any physical or mental condition;

Findings as to the current physical condition of the alien, including reports of chest X-rays and a serologic test if the alien is 15 years of age or older, and other pertinent diagnostic tests; and

Findings as to the current mental condition of the alien, with information as to prognosis and life expectancy and with a report of a psychiatric examination conducted by a psychiatrist who shall, in case of mental retardation, also provide an evaluation of the intelligence.

For an alien with a past history of mental illness, the medical report shall also contain available information on which the United States Public Health can base a finding as to whether the alien has been free of such mental illness for a period of time sufficient in the light of such history to demonstrate recovery.

The medical report will be referred to the United States Public Health Service for review and, if found acceptable, the alien will be required to submit such additional assurances as the United States Public Health Service may deem necessary in his or her particular case.

DO NOT WRITE IN THIS BLOCK

- ☐ 212 (a) (1)      ☐ 212 (a) (10)  
☐ 212 (a) (3)      ☐ 212 (a) (12)  
☐ 212 (a) (6)      ☐ 212 (a) (19)  
☐ 212 (a) (9)      ☐ 212 (a) (23)

Fee Stamp

A. Information about applicant -

1. Family Name (Surname in CAPS) (First) (Middle)

2. Address (Number and Street) (Apartment Number)

3. (Town or City) (State/Country) (ZIP/Postal Code)

4. Date of Birth (Month/Day/Year) 5. I&N File Number  
A-

6. City of Birth 7. Country of Birth

8. Date of visa application 9. Visa applied for at:

10. Applicant was declared inadmissible to the United States for the following reasons: (List acts, convictions, or physical or mental conditions. If applicant has active or suspected tuberculosis, the reverse of this page must be fully completed.)

11. Applicant was previously in the United States, as follows:

City & State From (Date) To (Date) I&NS Status

12. Social Security Number

B. Information about relative, through whom applicant claims eligibility for a waiver -

1. Family Name (Surname in CAPS) (First) (Middle)

2. Address (Number and Street) (Apartment Number)

3. (Town or City) (State/Country) (ZIP/Postal Code)

4. Relationship to applicant 5. I&NS Status

C. Information about applicant's other relatives in the U.S.  
(List only U.S. citizens and permanent residents)

1. Family Name (Surname in CAPS) (First) (Middle)

2. Address (Number and Street) (Apartment Number)

3. (Town or City) (State/Country) (ZIP/Postal Code)

4. Relationship to applicant 5. I&NS Status

1. Family Name (Surname in CAPS) (First) (Middle)

2. Address (Number and Street) (Apartment Number)

3. (Town or City) (State/Country) (ZIP/Postal Code)

4. Relationship to applicant 5. I&NS Status

1. Family Name (Surname in CAPS) (First) (Middle)

2. Address (Number and Street) (Apartment Number)

3. (Town or City) (State/Country) (ZIP/Postal Code)

4. Relationship to applicant 5. I&NS Status

Signature (of applicant or petitioning relative)

Relationship to applicant Date

Signature (of person preparing application, if not the applicant or petitioning relative) I declare that this document was prepared by me at the request of the applicant, or petitioning relative, and is based on all information of which I have any knowledge.

Signature

Address Date

Initial receipt	Resubmitted	Relocated		Completed		
		Received	Sent	Approved	Denied	Returned

**To be completed for applicants with  
active tuberculosis or suspected tuberculosis**

**A. Statement by Applicant**

Upon admission to the United States I will:

1. Go directly to the physician or health facility named in Section B;
2. Present all X-rays used in the visa medical examination to substantiate diagnosis;
3. Submit to such examinations, treatment, isolation, and medical regimen as may be required; and
4. Remain under the prescribed treatment or observation whether on inpatient or outpatient basis, until discharged.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

**B. Statement by Physician or Health Facility**

*(May be executed by a private physician, health department, other public or private health facility, or military hospital.)*

I agree to supply any treatment or observation necessary for the proper management of the alien's tuberculous condition.

I agree to submit Form CDC 75.18 "Report on Alien with Tuberculosis Waiver" to the health officer named in Section D:

1. Within 30 days of the alien's reporting for care, indicating presumptive diagnosis, test results, and plans for future care of the alien; or
2. 30 days after receiving Form CDC 75.18 if the alien has not reported.

Satisfactory financial arrangements have been made. (This statement does not relieve the alien from submitting evidence, as required by consul, to establish that the alien is not likely to become a public charge.)

I represent (enter an "X" in the appropriate box and give the complete name and address of the facility below.)

- ☐ 1. Local Health Department  
☐ 2. Other Public or Private Facility  
☐ 3. Private Practice  
☐ 4. Military Hospital

\_\_\_\_\_  
Name of Facility (please type or print)

\_\_\_\_\_  
Address (Number & Street) (Apartment Number)

\_\_\_\_\_  
City, State & ZIP Code

\_\_\_\_\_  
Signature of Physician

\_\_\_\_\_  
Date

**C. Applicant's Sponsor in the U.S.**

Arrange for medical care of the applicant and have the physician complete Section B.

If medical care will be provided by a physician who checked box 2 or 3, in Section B., have Section D. completed by the local or State Health Officer who has jurisdiction in the area where the applicant plans to reside in the U.S.

If medical care will be provided by a physician who checked box 4., in Section B., forward this form directly to the military facility at the address provided in Section B.

Address where the alien plans to reside in the U.S.

\_\_\_\_\_  
Address (Number & Street) (Apartment Number)

\_\_\_\_\_  
City, State & ZIP Code

**D. Endorsement of Local or State Health Officer**

Endorsement signifies recognition of the physician or facility for the purpose of providing care for tuberculosis. If the facility or physician who signed in Section B is not in your health jurisdiction and is not familiar to you, you may wish to contact the health officer responsible for the jurisdiction of the facility or physician prior to endorsing.

\_\_\_\_\_  
Endorsed by: Signature of Health Officer

\_\_\_\_\_  
Date

Enter below the name and address of the Local Health Department to which the "Notice of Arrival of Alien with Tuberculosis Waiver" should be sent when the alien arrives in the U. S.

\_\_\_\_\_  
Official Name of Department

\_\_\_\_\_  
Address (Number & Street) (Apartment Number)

\_\_\_\_\_  
City, State & ZIP Code

**Please read instructions with care.**

*If further assistance is needed, contact the office of the Immigration and Naturalization Service with jurisdiction over the intended place of U.S. residence of the applicant.*

DO NOT WRITE IN THIS BLOCK

- ☐ 212 (a) (1)      ☐ 212 (a) (10)  
☐ 212 (a) (3)      ☐ 212 (a) (12)  
☐ 212 (a) (6)      ☐ 212 (a) (19)  
☐ 212 (a) (9)      ☐ 212 (a) (23)

Fee Stamp

A. Information about applicant -

1. Family Name (Surname in CAPS) (First) (Middle)  
2. Address (Number and Street) (Apartment Number)  
3. (Town or City) (State/Country) (ZIP/Postal Code)  
4. Date of Birth (Month/Day/Year) 5. I&N File Number  
A-  
6. City of Birth 7. Country of Birth  
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12. Social Security Number

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1. Family Name (Surname in CAPS) (First) (Middle)  
2. Address (Number and Street) (Apartment Number)  
3. (Town or City) (State/Country) (ZIP/Postal Code)  
4. Relationship to applicant 5. I&NS Status

C. Information about applicant's other relatives in the U.S.  
(List only U.S. citizens and permanent residents)

1. Family Name (Surname in CAPS) (First) (Middle)  
2. Address (Number and Street) (Apartment Number)  
3. (Town or City) (State/Country) (ZIP/Postal Code)  
4. Relationship to applicant 5. I&NS Status

1. Family Name (Surname in CAPS) (First) (Middle)  
2. Address (Number and Street) (Apartment Number)  
3. (Town or City) (State/Country) (ZIP/Postal Code)  
4. Relationship to applicant 5. I&NS Status

Additional Information and Instructions

Signature and Title of Requesting Officer

Address Date

This office will maintain only a folder relating to the applicant pursuant to A.M. 2712.01



Application for Waiver of The  
Foreign Residence Requirement  
of Section 212(e) of the Immigration and  
Nationality Act, as amended

OMB No. 1115-0089

INSTRUCTIONS: (READ CAREFULLY—FEE WILL NOT BE REFUNDED)

(Please tear off this sheet before  
submitting application)

*Application on this form may be submitted only by an alien who believes that compliance with the foreign residence requirement of Section 212(e) of the Immigration and Nationality Act, as amended, would impose exceptional hardship upon his/her spouse or child who is a citizen of the United States or a lawful permanent resident thereof, or by an alien who believes that returning to the country of his/her nationality or last residence would subject him/her to persecution on account of race, religion, or political opinion.*

1. **FOREIGN RESIDENCE REQUIREMENT.** In order to be eligible to apply for an immigrant visa or for permanent residence in the United States, or for a nonimmigrant visa as a temporary worker, certain exchange visitors (visa symbols J-1 and J-2) must reside and be physically present in the country of their nationality or last foreign residence for an aggregate of at least two years following departure from the United States.

An exchange visitor is subject to the two year foreign residence requirements only if:

- His/her participation in the exchange program was financed at any time in whole or in part, directly or indirectly, by an agency of the United States Government or by the government of his/her country of nationality or last foreign residence; or
- prior to issuance of an exchange visitor visa, or admission as an exchange visitor without visa, or acquisition of status as an exchange visitor, to participate in an exchange program, his/her country of nationality or last foreign residence was designated by the Secretary of State as clearly requiring the alien's specialized knowledge or skill;
- he/she entered the United States as, or changed status to that of an exchange visitor on or after January 10, 1977, to participate in graduate medical education or training.

If a participant in an exchange program is subject to the two year foreign residence requirement, his/her spouse and unmarried minor children who were admitted as exchange visitors or acquired such status after admission are also subject to this requirement. If you have any question as to whether you are subject to the two year foreign residence requirement, the nearest Immigration and Naturalization Service office or American Consulate will be glad to advise you.

2. **ELIGIBILITY FOR WAIVER OF THE TWO YEAR FOREIGN RESIDENCE REQUIREMENT.** Waiver of the two year foreign residence requirement may be authorized only if:

- The alien has a United States citizen or lawful resident alien spouse or unmarried minor child and establishes in an application to the Immigration and Naturalization Service that compliance with the two year foreign residence requirement would impose exceptional hardship upon such spouse or child; or
- the alien established in an application to the Immigration and Naturalization Service that returning to his/her country of nationality or last foreign residence would subject him/her to persecution on account of race, religion or political opinion; or
- a United States Government agency requests the Secretary of State to recommend a waiver in the alien's behalf for the reason that compliance with the two year foreign residence requirement would be detrimental to a program or activity of official interest to the agency; or
- the country of the alien's nationality or last foreign residence furnishes the Secretary of State a written statement that it has no objection to the waiver. This ground, however, is not available to the alien who came to the United States on or after January 10, 1977 as

an exchange visitor, or who acquired such status on or after that date, in order to receive graduate medical education or training.

In no case may the two year foreign requirement be waived unless a favorable recommendation is made by the Director of the United States Information Agency to the Attorney General.

3. **SUBMISSION OF APPLICATION.**

If you are in the United States, submit the application to the office of the Immigration and Naturalization Service having jurisdiction over your place of residence. If you are abroad, submit the application to the office of the Immigration and Naturalization Service having jurisdiction over the place of your last residence in the United States.

An alien who believes that a United States Government agency may be officially interested in his/her case and may wish to request a waiver in his/her behalf should inquire directly of that agency whether it would make such request.

An alien who seeks a waiver of the foreign residence requirement on the basis that the foreign country of his/her nationality or last foreign residence has no objection to the waiver should, if in the United States, apply directly to the Embassy of the country concerned; if abroad, should inquire of his/her foreign ministry.

4. **SPOUSE OF APPLICANT.** If your spouse is or was an exchange alien who is subject to the foreign residence requirement solely because of relationship to you, he or she may be included in this application by checking Box A in Block 6 of the application. If your spouse is subject to the foreign residence requirement because of participation in an exchange program, your spouse may apply for a waiver of the foreign residence requirement by submitting a separate application on Form I-612; in such case Box B of Block 6 should be checked on each application.

5. **PREPARATION OF APPLICATION.** The application must be type-written or printed legibly in ink with block letters.

6. **SUPPORTING DOCUMENTS.** The following documents must be submitted with this application.

- To prove United States citizenship of spouse or child, if you check Box "A" in Block 5.
  - If your spouse or child is a citizen by reason of birth in the United States, submit (a) birth certificate of spouse or child; or (b) if birth certificate is unobtainable, a copy of the baptismal certificate under seal of the church, showing place of birth (baptism must have occurred within 2 months after birth); or (c) if birth or baptismal certificate cannot be obtained, affidavits of two United States citizens who have personal knowledge of the birth of your spouse or child in the United States.
  - If your spouse or child was born outside the United States, became a citizen of the United States through a parent, and has not been issued a certificate of citizenship, submit evidence of the citizenship and marriage of parent, as well as termination of any prior marriages of parent. Also submit birth certificate of

child and a separate statement showing the dates, ports and means of all arrivals and departures into and out of the United States by spouse or child. (Do not make a photostat of a certificate of citizenship. See instruction No. 8.)

- (3) If naturalization of spouse or child occurred within 90 days immediately preceding the filing of this application, the naturalization certificate must accompany the application. (Do not make a photostat of such certificate. See instruction No. 8.)

b. To prove relationship between applicant and spouse or child, if you check Box "A" in Block 5.

- (1) Every application must be accompanied by a certificate of marriage to the spouse and proof of legal termination of all previous marriages of applicant and spouse. If application is based on hardship to a child, also submit the birth certificate of the child.

c. To support your application for waiver.

You may, in addition to your own required statement, submit any documentary evidence available to you which you believe bears on the matters of exceptional hardship or persecution.

d. If you are in the United States, you must submit your temporary entry permit (Form I-94, Arrival-Departure Record) and the entry permit of your spouse if the latter is in this country and is not a U.S. citizen or lawful permanent resident. If the entry permit is attached to the passport, remove it for this purpose. DO NOT SEND IN THE PASSPORT.

7. DOCUMENTS IN GENERAL. All supporting documents must be submitted in the original. If you desire to have the original of any of the documents returned, and if copies are by law permitted to be made, you may submit photographic or typewritten copies, with the originals, and the originals will be returned to you. However, a photographic or other machine-made copy unaccompanied by the original document may be accepted if the copy bears a certification by an Immigration or Consular officer that the copy was compared with the original and found to be

identical. Any document in a foreign language must be accompanied by a translation in English. The translator must certify that he is competent to translate and that the translation is accurate. (Do not make a copy of a certificate of naturalization or citizenship. To do so is prohibited by law.)

8. PENALTIES - SEVERE PENALTIES ARE PROVIDED BY LAW FOR KNOWINGLY AND WILLFULLY FALSIFYING OR CONCEALING A MATERIAL FACT OR USING ANY FALSE DOCUMENT IN THE SUBMISSION OF THIS APPLICATION.

Title 18, United States Code, section 1426(h) provides: "Whoever, without lawful authority, prints, photographs, makes or executes any print or impression in the likeness of a \* \* \* certificate of naturalization or citizenship, or any part thereof, shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

9. A fee of fifty dollars (\$50) must be paid for filing this application. It cannot be refunded regardless of the action taken on the application. DO NOT MAIL CASH. ALL FEES MUST BE SUBMITTED IN THE EXACT AMOUNT. Payment by check or money order must be drawn on a bank or other institution located in the United States and be payable in United States currency. If applicant resides in Guam, check or money order must be payable to the "Treasurer, Guam." If applicant resides in the Virgin Islands, check or money order must be payable to the "Commissioner of Finance of the Virgin Islands." All other applicants must make the check or money order, payable to the "Immigration and Naturalization Service." When check is drawn on account of a person other than the applicant, the name of the applicant must be entered on the face of the check. If application is submitted from outside the United States, remittance may be made by bank international money order or foreign draft drawn on a financial institution in the United States and payable to the "Immigration and Naturalization Service" in United States currency. Personal checks are accepted subject to collectibility. An uncollectible check will render the application and any document issued pursuant thereto invalid. A charge of \$5.00 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn.

U.S. Department of Justice  
Immigration and Naturalization Service

Application for Waiver of The  
Foreign Residence Requirement  
of Section 212(e) of the Immigration and  
Nationality Act, as amended

OMB No. 1115-0059  
Expires 11/83

This application must be typewritten or printed legibly in ink with  
block letters.

Fee Stamp

1. Name (Last in CAPS)	First	Middle	If a married woman, give maiden name			
2. Mailing Address	(Apt. No.)	(Number and Street)	(Town or City)	(State or Province)	(Country)	(ZIP Code, if in U.S.)
Present or last U.S. Residence		(Number and Street)	(City)	(State)	(ZIP Code)	
3. Date of Birth	Country of Birth	Country of Nationality		Country of Last Foreign Residence		
Allen Registration Number, if known						
4. I believe I am subject to the foreign residence requirements because: (Check appropriate box(es))						
A. <input type="checkbox"/> I participated in an exchange program which was financed by an agency of the U.S. Government or the government of the country of my nationality or last foreign residence for the purpose of promoting international educational and cultural exchange.						
B. <input type="checkbox"/> An agency of the Government of the U.S., or the government of the country of my nationality or last foreign residence gave me a grant (such as a Fulbright grant), stipend or allowance for the purpose of participation in an exchange program. Name of U.S. Government agency or foreign country _____.						
C. <input type="checkbox"/> I became an exchange visitor after the Secretary of State designated the country of my nationality or last foreign residence as clearly requiring the services of persons with my specialized knowledge or skill.						
D. <input type="checkbox"/> I entered the United States as, or my status was changed to that of, an exchange visitor on or after January 10, 1977 to participate in graduate medical education or training.						
5. I am applying for waiver of the foreign residence requirement on the ground that: (Check appropriate box(es))						
A. <input type="checkbox"/> My departure from the United States would impose exceptional hardship upon my United States citizen or lawful permanent resident spouse or child.						
B. <input type="checkbox"/> I cannot return to the country of my nationality or last foreign residence because I would be subject to persecution on account of race, religion, or political opinion.						
<b>IMPORTANT:</b> If you have checked Box "A" you must attach to this application a statement dated and signed by you giving a <i>detailed explanation</i> of the basis for your belief that compliance by you with the two-year foreign residence requirement of Section 212(e) of the Immigration and Nationality Act, as amended, would impose exceptional hardship upon your spouse or child who is a citizen of the United States or a lawful permanent resident thereof. Without such statement your application is incomplete. You must include in the statement all pertinent information concerning the income and savings of yourself and your spouse. There should also be attached such documentary evidence as may be available to support the allegations of hardship.						
If you have checked Box "B" you must attach a statement dated and signed by you setting forth in detail the reason(s) you believe that you cannot return to the country of your nationality or last foreign residence because you would be subject to persecution on account of race, religion, or political opinion. There should also be attached such documentary evidence as may be available to support the allegations of persecution.						
6. If married, check appropriate box(es): (See Instruction No. 4)						
A. <input type="checkbox"/> My spouse is included in this application.						
B. <input type="checkbox"/> My spouse is filing a separate application for waiver.						

RECEIVED	TRANS. IN	RET'D. TRANS. OUT	COMPLETED

7. List all program numbers and names of all program sponsors.

8. Major field of activity (Check one)

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> (1) Agriculture             | <input type="checkbox"/> (4) Engineering | <input type="checkbox"/> (7) Natural and Physical Sciences |
| <input type="checkbox"/> (2) Business Administration | <input type="checkbox"/> (5) Humanities  | <input type="checkbox"/> (8) Social Sciences               |
| <input type="checkbox"/> (3) Education               | <input type="checkbox"/> (6) Medicine    | <input type="checkbox"/> (9) Other                         |

9. Occupation

10. Date and port of last arrival in the United States as participant in a designated exchange program.

11. If you are now abroad, give date of departure from U.S.

12. Number of prior marriages of applicant \_\_\_\_\_

If married, number of prior marriages of applicant's spouse \_\_\_\_\_

13. Name of spouse

Date and Country of birth

Nationality

Country of last foreign residence

14. Names of children

Date and Country of birth

Nationality

Country of last foreign residence

15. If you checked Box "A" in block 5 above, furnish the following information concerning your spouse or one of your children who is a citizen of the United States and who you believe would suffer exceptional hardship if you resided outside the United States for two years following your departure from this country.

Name of United States citizen spouse or child:

United States citizenship of spouse or child was acquired through (check one)

☐ Birth in the United States ☐ Naturalization ☐ Parent(s)

If United States citizenship of spouse or child was acquired through naturalization, give the following:

Number of naturalization certificate

Date of naturalization

Place of naturalization

If United States citizenship of spouse or child was acquired through parent(s), has spouse or child obtained a certificate of citizenship? \_\_\_\_\_

If so, give number of certificate \_\_\_\_\_. If not, submit evidence in accordance with instruction 6(a) (2).

16. If you checked Box "A" in block 5 above and you do not have a spouse or child who is a citizen of the United States, furnish the following information concerning your spouse or one of your children who is a lawful permanent resident of the United States and who you believe would suffer exceptional hardship if you resided outside the United States for two years following your departure from this country.

Name of lawful resident alien spouse or child:

Alien Registration Number

Date, place, and means of admission for lawful permanent residence:

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on \_\_\_\_\_ (Date) \_\_\_\_\_ (Place) \_\_\_\_\_ (Signature of applicant)

Signature of person preparing form, if other than applicant: I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge:

(Signature)

(Address of person preparing form, if other than applicant)

(Date)

(Occupation)

PLEASE PRINT OR TYPE - SEE INSTRUCTIONS ON REVERSE SIDE

1

Name _____ Last (Family) First (Given) Middle	Date _____	A- _____ Alien Registration Number
Country of Birth _____	Country of Citizenship _____	_____
Native Language _____	Date of Birth _____ Month/Day/Year	_____
Current Address _____ Number and Street Apartment No. City State ZIP	_____	_____
		Telephone Number _____

My three (3) most recent cities of residence in the United States have been (list most recent first):

2

CITY OR TOWN	STATE	FROM month/year	TO month/year
			PRESENT

There are \_\_\_\_\_ members of my household, \_\_\_\_\_ of whom are employed. They are (please use another sheet if needed):

3

NAME	RELATIONSHIP TO ME	SEX M/F	DATE OF BIRTH mo/da/yr	COUNTRY OF BIRTH	ALIEN NUMBER	CURRENTLY EMPLOYED? yes no	ATTENDING SCHOOL? yes no
(SELF)	(SELF)					<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
						<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
						<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
						<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
						<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>

My employment since entering the United States has been (list most recent first):

4

COMPANY NAME	LOCATION CITY, STATE	DATES FROM TO mo/yr mo/yr	JOB TITLE	WAGE PER HOUR	CHECK ONE: PART FULL TIME TIME
					<input type="checkbox"/> <input type="checkbox"/>
					<input type="checkbox"/> <input type="checkbox"/>
					<input type="checkbox"/> <input type="checkbox"/>

My major occupation or profession before coming to the U.S. was:

My education before coming to the United States was (check all that apply):

5

<input type="checkbox"/> Grades 1-8	<input type="checkbox"/> Technical school	<input type="checkbox"/> Some university	<input type="checkbox"/> Graduate studies
<input type="checkbox"/> Some high school	<input type="checkbox"/> Technical school certificate	<input type="checkbox"/> University diploma	<input type="checkbox"/> Professional training
<input type="checkbox"/> High school diploma			<input type="checkbox"/> Graduate degree

My knowledge of English was acquired by (check all that apply):

<input type="checkbox"/> Training in the U.S.	<input type="checkbox"/> Training in another country	<input type="checkbox"/> Training in refugee camp
<input type="checkbox"/> Use in the U.S.	<input type="checkbox"/> Use in another country	<input type="checkbox"/> Other (please explain):

I have had the following training or education in the U.S. (check all that apply):

6

TYPE OF SCHOOL	COURSE OF STUDY	CHECK IF STILL ATTENDING	CHECK IF COMPLETED
<input type="checkbox"/> High school		<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> College		<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Technical/Vocational		<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Other (specify):		<input type="checkbox"/>	<input type="checkbox"/>

My English ability is (check one):

7

<input type="checkbox"/> None
<input type="checkbox"/> A few words
<input type="checkbox"/> Fair
<input type="checkbox"/> Good

Since in the United States, I have received the following public assistance in my own name:

8

	FROM month/year	TO month/year
<input type="checkbox"/> Cash assistance (welfare)		
<input type="checkbox"/> Food stamps		
<input type="checkbox"/> SSI (gold check)		
<input type="checkbox"/> Medical assistance		
<input type="checkbox"/> Other (specify):		

## INSTRUCTIONS

### TO THE APPLICANT—PLEASE TYPE OR PRINT PLAINLY

This form is to be completed in full by persons aged 16 and over. Younger persons should complete Blocks 1 and 2 only.

The information requested on this form is to be used by the Department of Health and Human Services for statistical purposes only. The form will not be retained by the Immigration and Naturalization Service.

#### BLOCK 1

Enter your name, the date on which you are completing this form, and your alien registration number on the first line. On the second line, enter your country of birth, your country of citizenship, and your social security number. On the third line, indicate your native language and your date of birth. Enter your current address and telephone number on the fourth line.

#### BLOCK 2

Fill in your three (3) most recent cities and states of residence in the U.S. in order, starting with your current place of residence. If you have not lived in three (3) different cities since you entered the U.S., write "none" on as many lines as appropriate.

#### BLOCK 3

Show the total number of people living in your household and the number of them currently employed. Fill in the first line for yourself, then list any other persons who live in your household. If more than five (5) persons live with you, please attach a separate page listing the others and giving the information requested.

#### BLOCK 4

Enter the information about all jobs you have held since coming to the U.S., starting with your current or most recent job. Under "job title," write the term that best describes the work you do, such as "machine operator," "nurse," or "chemist." If you have not worked at all since coming to the U.S., write "none." At the bottom of the block, enter your major occupation before coming to the U.S. If you did not work before coming to the U.S., enter "none."

#### BLOCK 5

Check ☒ the block or blocks that best describe your education before coming to the U.S. Also, please check the block or blocks that best describe how and where you have learned English.

#### BLOCK 6

If you have had any training or education in the U.S., check the block or blocks that best describe your training and enter your major course of study. If you have had no training in the U.S., enter "none."

#### BLOCK 7

Check ☒ the block that best describes your ability to use English.

#### BLOCK 8

Check ☒ as many types of public assistance as you have received in your own name, as the principal applicant. Indicate the month and year the assistance started and stopped. If you are still receiving assistance, write "present" in the block headed "TO-month/year."

### TO THE IMMIGRATION AND NATURALIZATION SERVICE

After checking this form to be sure it has been properly completed, forward it directly to the address below. (If you are mailing a small number of forms, they may be folded so the address shows through a # 20 window envelope.)

Data Analysis Unit  
Office of Refugee Resettlement  
DEPARTMENT OF HEALTH & HUMAN SERVICES  
Room 1229 - Switzer Building  
330 C Street, S.W.  
Washington, D.C. 20201

## Application to Classify Status of Alien Relative for Issuance of Visa 92 or 93

### Instructions - Please Read Carefully

If you do not follow these instructions your application may be returned, and final action delayed.

1. **Eligibility:** You may file this application if you;
  - A. Were granted refugee status under Section 207 or received asylum status under Section 208 of the Immigration and Nationality Act (INA), *or*
  - B. Were admitted as a refugee or received asylum under the same sections of law and subsequently adjusted, *and*
  - C. Benefit is available for the "spouse" and/or "child" as those terms are defined in Section 101 (a) (35) and Section 101 (b) (1) (A) through (E) of the INA, *and*
  - D. Your relationship to your husband, wife, or child existed prior to approval of your refugee or asylee status, *and*
  - E. Your husband, wife, or child have never had the status of a refugee or asylee in the United States.
2. **Supporting documents:** The following documents should be submitted with the application to prove your relationship to your husband, wife, or child;
  - A. *If you are applying for your husband or wife*, a certificate of your marriage, and proof of termination of any previous marriage(s) of yours and/or your husband's or wife's.
  - B. *If you are a mother, applying for your child*, the birth certificate of the child, showing your name as the mother.
  - C. *If you are a father, applying for your child*, a certificate of your marriage to the mother, proof of termination of any marriages of either parent prior to the birth of your child, and a birth certificate of your child showing the names of both parents.
3. **Secondary evidence:** If it is not possible to obtain any one of the documents or records requested above, secondary evidence such as school records, affidavits, photographs, letters, may be submitted for consideration.
4. **Documents in general:** All documents must be submitted in the original or certified copy. If you want the original returned to you, and if copies are by law permitted to be made, you may submit photocopies or typewritten copies. Photocopies, submitted without the original, will be accepted only if certified by an Immigration Officer, a Consular Officer, an attorney, or a representative of a recognized nonprofit voluntary agency. The certification must state the copy was compared with the original and found to be identical.
5. **Translations:** Any document in a foreign language must be accompanied by a translation in English. The translator must certify that he or she is competent to translate and that the translation is accurate.
6. **Submission of application:** The completed application must be taken to the office of the Immigration and Naturalization Service having jurisdiction over your place of residence. If applying on behalf of your unmarried child, the application must be submitted in sufficient time for action to be completed, and for the child to obtain travel authorization and reach the United States before the date on which that child will be 21 years of age.
7. **Penalties:** Severe penalties are provided by law for knowingly and willfully falsifying or concealing a material fact or using any false document in the submission of this application.
8. **Authority:** The authority for collecting the information requested on this form is contained in 8 U.S.C. 1154(a). Submission of the information is voluntary. The principal purpose for which the information is collected is to determine the eligibility of your husband, wife, and/or child for the benefits sought. The information may also, as a matter of routine use, be disclosed to any other federal, state, and local law enforcement and regulatory agencies. Failure to provide all of the information requested may result in the denial of your application.

#### To the Immigration and Naturalization Service:

If spouse and/or child are in the United States the original of a completed Form I-730 with copies of supporting documents should be placed in the respective "A" files. A copy of approval with copies of supporting documents are to be mailed to the Department of State. (Sec O.I. 207.8(b) and (c); O.I. 208.15(b) and (c)).

If spouse and/or child are overseas, the original of the completed Form I-730 with copies of supporting documents should be placed in "A" file of principal applicant in the United States requesting benefit.

U.S. Department of Justice  
Immigration and Naturalization Service

OMB # 1115-0121  
Expires 11/88

Refugee/Asylee Relative Petition

1. Your Name	5. A Number (Alien Registration Number)		
2. Address	6. Present Status <input type="checkbox"/> Refugee <input type="checkbox"/> Asylee <input type="checkbox"/> Legal Permanent Resident		
3. Date of Birth (Month/Day/Year)	7. Date and Place Refugee or Asylee Status was Approved (Month/Day/Year)		
4. Place of Birth	8. If Sponsored, Name of Individual Sponsor or Sponsoring Agency		

9. If petitioning for your husband or wife, complete the following about your husband or wife:						
Name	A-Number	Date of Birth (Month/Day/Year)	Place of Birth	Nationality	Date of Marriage (Month/Day/Year)	Present Address

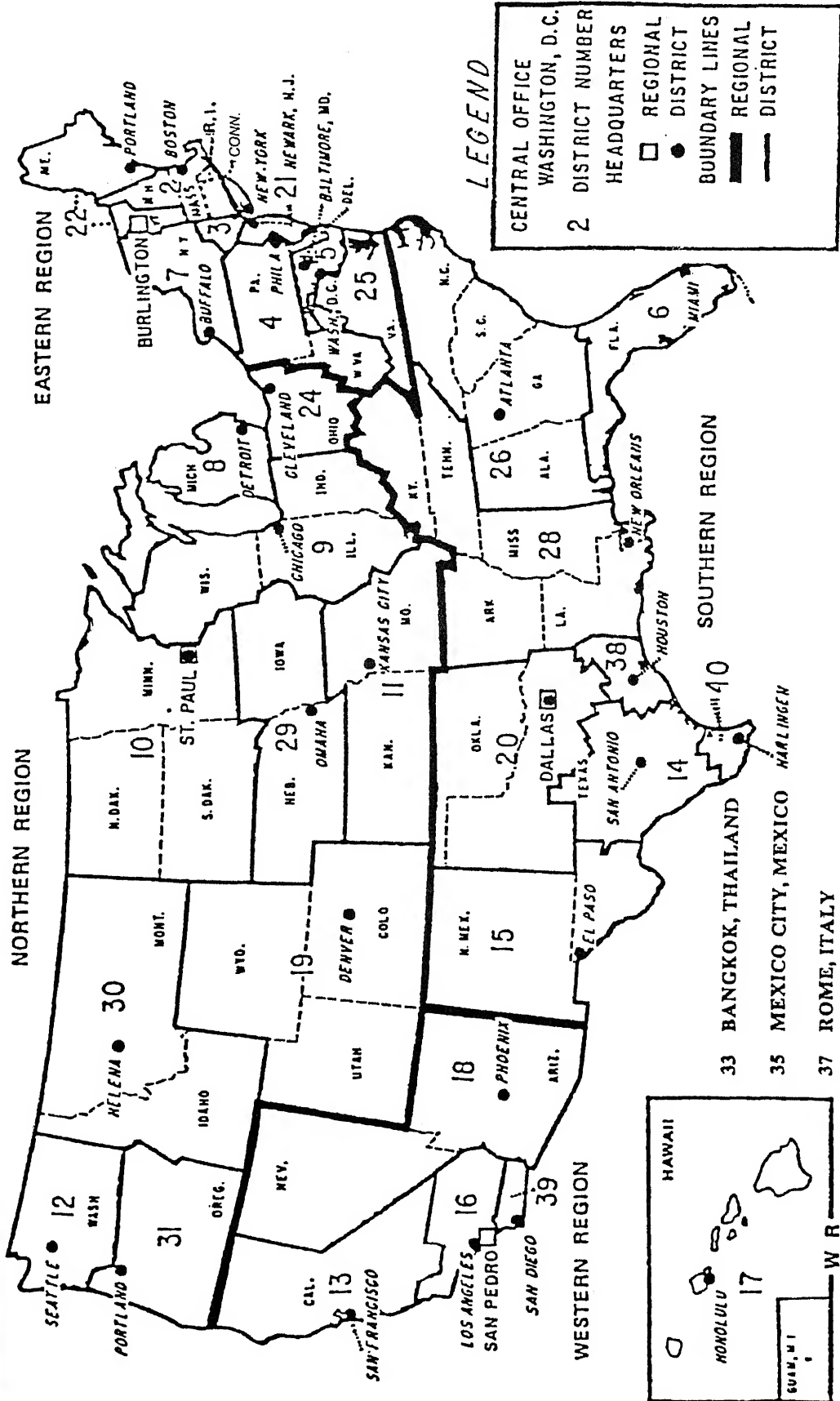
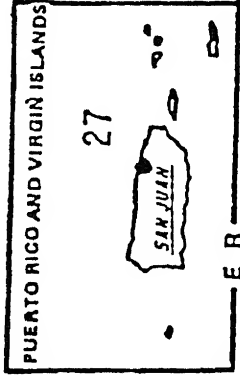
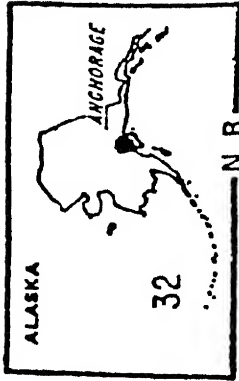
10. If petitioning for your son(s) or daughter(s), complete the following about those son(s) or daughter(s):						
Name	A Number	Date of Birth (Month/Day/Year)	Place of Birth	Sex (Male or Female) <input type="checkbox"/> Male <input type="checkbox"/> Female	Present Address	
				<input type="checkbox"/> Male <input type="checkbox"/> Female		
				<input type="checkbox"/> Male <input type="checkbox"/> Female		
				<input type="checkbox"/> Male <input type="checkbox"/> Female		
				<input type="checkbox"/> Male <input type="checkbox"/> Female		
				<input type="checkbox"/> Male <input type="checkbox"/> Female		
				<input type="checkbox"/> Male <input type="checkbox"/> Female		
				<input type="checkbox"/> Male <input type="checkbox"/> Female		
				<input type="checkbox"/> Male <input type="checkbox"/> Female		
				<input type="checkbox"/> Male <input type="checkbox"/> Female		
				<input type="checkbox"/> Male <input type="checkbox"/> Female		
				<input type="checkbox"/> Male <input type="checkbox"/> Female		

11. I swear (affirm) the information provided by me herein is true and correct.

Signature of Refugee/Asylee in the United States \_\_\_\_\_ Sworn to (affirmed) before me this \_\_\_\_\_ day of 19 \_\_\_\_\_  
at \_\_\_\_\_  
Signature and Title of INS Officer \_\_\_\_\_  
☐ Granted ☐ Denied

Remarks: \_\_\_\_\_  
Form I-730 (11/01/85)

# IMMIGRATION & NATURALIZATION SERVICE REGIONAL AND DISTRICT AREAS



# Federal Textbook on Citizenship

★ ★ ★

OUR CONSTITUTION AND GOVERNMENT

*Lessons on the Constitution and  
Government of the United States  
for Use in the Public Schools by  
Candidates for Citizenship*



Prepared by

CATHERYN SECKLER-HUDSON

*Formerly Professor of Political Science and Public Administration  
Graduate School, The American University*

M-7

(Revised 1978) N

UNITED STATES GOVERNMENT PRINTING OFFICE • WASHINGTON, D.C. 20401

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For sale by the Superintendent of Documents, U.S. Government Printing Office  
Washington, D.C. 20402

## CONTENTS

Chapter	Page
Foreword.....	vii
Note on the use of words.....	viii
1. The groups to which we belong.....	1
2. How we qualify for group membership.....	11
3. Ways in which all our groups are somewhat alike (1).....	20
4. Ways in which all our groups are somewhat alike (2).....	30
5. The advantages and obligations of group membership.....	39
6. How the colonists defended their freedom and started a new nation..	50
7. How a new constitution was planned and adopted.....	63
8. Establishing the Constitution, which gave a central government to our Nation.....	75
9. How our Constitution has grown.....	90
10. Some rights and opportunities of group life in the United States.....	105
11. Giving our Government the authority needed for its work.....	122
12. How the people make their wishes known by voting.....	136
13. How the people form their opinions before voting.....	148
14. The objectives of our city governments.....	158
15. How our city governments are organized and operated.....	168
16. The objectives and organization of our other local governments.....	179
17. The objectives of our State governments.....	191
18. How our State governments are organized.....	201
19. The objectives of our Federal Government.....	218
20. How our Federal Government is organized: The Legislative Branch (1).....	228
21. How our Federal Government is organized: The Legislative Branch (2).....	241
22. How our Federal Government is organized: The Presidency.....	250
23. How our Federal Government is organized: The Executive Depart- ments (1).....	260
24. How our Federal Government is organized: The Executive Depart- ments (2).....	270
25. How our Federal Government is organized: The Judiciary.....	281
26. How we pay for our Government.....	290
27. How our Government units work together.....	301
28. Some of the ways in which our Government units cooperate with and keep in contact with groups of citizens.....	309
29. Some basic principles of the United States Government: (1) Principles of government organization in our democracy.....	318
30. Some basic principles of the United States Government: (2) Principles of the Government's relationship to the citizen.....	327
The Declaration of Independence.....	335
Constitution of the United States of America.....	341
Glossary.....	367
Index.....	395

## ILLUSTRATIONS

Figure	Page
1. The Statue of Liberty.....	vi
2. Map: The United States of America.....	Faces page 1
3. Our different kinds of groups.....	5
4. Our Government groups.....	7
5. Work project: Improvements in my community.....	27
6. Basic factors in group living.....	35
7. Obligations to our groups.....	42
8. Why we must have taxes in a democracy.....	45
9. Work project: Obligations as group members.....	47
10. Some of our first settlers.....	52
11. The signers of the Declaration of Independence.....	58
12. The Liberty Bell.....	60
13. Examples that guided the "Fathers" of our Constitution.....	70
14. Ratification of the Federal Constitution.....	77
15. The objectives of our Federal Government: Preamble of the Constitution.....	80
16. The Federal system.....	83
17. Our Ladder of Laws.....	86
18. Four ways of amending our Federal Constitution.....	91
19. The Constitution and its growth by amendments: The Constitution..	93
20. The Constitution and its growth by amendments: Amendments 1 to 10..	94
21. The Constitution and its growth by amendments: Amendments 11 to 26.....	95
22. Development of our Federal Constitution by informal methods.....	98
23. Map: The United States of America.....	100
24. Some important rights of our citizens.....	110
25. The right to vote.....	118
26. Final authority in the Government of the United States.....	125
27. The people delegate authority.....	127
28. Delegated powers in the Federal system.....	129
29. The Government units that represent the people.....	133
30. The voters select many representatives.....	142
31. The organization of each major political party.....	144
32. Ways in which our political parties serve the people.....	145
33. Our citizens must use good judgment in forming their opinions.....	152
34. The mayor-council form of city government organization.....	170
35. The commission form of city government organization.....	172
36. The city manager form of city government organization.....	174
37. Work project: Problems of my city.....	176
38. The county-manager plan of organization.....	187
39. Work project: My county officials.....	188
40. How the organization of government in Cities, States, and the Nation is much alike.....	203
41. Work project: A study of our Federal and State Constitutions.....	212
42. Work project: The lawmaking branch of a State government.....	214
43. Work project: The executive branch of a State government.....	217
44. Work project: Objectives of government agencies and units.....	226
45. The legislative branch of our Federal Government.....	229
46. The voters send representatives to Washington.....	234
47. Our National Capitol.....	236

## *Contents*

v

Figure	Page
48. Make-up of the Congress.....	238
49. The President of the United States.....	251
50. The executive branch of our Federal Government.....	257
51. The President and the executive departments having cabinet rank...	261
52. The judicial branch of our Federal Government.....	285
53. We must pay for the services of our Government.....	292
54. Work project: Taxes and things we get for our taxes.....	298
55. Flag of the United States.....	302
56. The American's creed.....	306
57. Work project: Services of Government units.....	315
58. The strong foundations of the United States Government.....	320
59. The principle of checks and balances.....	324
60. Some basic principles of our Government.....	328

## FOREWORD

Citizenship of the United States is a priceless treasure. It guarantees, to the person who possesses it, many valuable rights and privileges. At the same time, it requires that the citizen shall meet the obligations and perform the duties necessary to safeguard this country from any possible enemy—whether within or outside its borders.

This textbook is designed especially for the use of the foreign-born who are preparing themselves for their naturalization examinations as applicants for United States citizenship. These 30 lessons tell about the kind of Government we live under, and about the Constitution upon which it is founded.

Anyone who studies these lessons will not only learn a great deal about our country and how its Government operates, but will be a better citizen because of such study.

*Commissioner of Immigration  
and Naturalization*

FEDERAL TEXTBOOK ON CITIZENSHIP — Home Study Course

# Our Constitution AND Government



M-39 (Revised 1978) N

## Foreword

THIS home study course is intended for candidates for naturalization who are unable to attend regularly organized public school classes. These candidates may live in places where the distance is too great for them to attend class, the responsibility of caring for their families may keep them at home, or their hours of work may not leave them time for class work. Whatever the reason that prevents their attendance at classes, this course makes it possible for them to study in their own homes.

The course is planned for persons who have a fair knowledge of the English language. It is to be used in connection with the *Simplified Edition* of the Federal Textbooks on Citizenship, *Our Constitution and Government*, and with *Our Constitution and Government, A Home Study Course*, containing suggestions for the person who is helping the student and final tests for the student.

*Commissioner of Immigration and Naturalization.*

## About This Course

THE naturalization courtroom was packed with men and women from many countries. The judge was on the bench. The clerk of the court was calling the names of candidates for citizenship. The persons whose names were called went to the front of the courtroom to give up their loyalty to the countries from which they had come. With right hand raised, each promised loyalty to the United States of America. The judge welcomed these new citizens to the rights and duties of our country. He led them in the pledge of allegiance to the flag.

Why did these men and women come from their homelands to live in the United States? Each year, fathers and mothers bring their children here to give them a better chance in life. They want to have better homes and better schools.

These people learn to do many kinds of work. They also find time to learn to read and write English and to study the Constitution and Government and the history of the United States. These things will help them to become naturalized citizens.

This course in citizenship will help you to learn about the Constitution and Government of the United States. If you study your lessons well, you will learn many of the things you need to know for your citizenship examination.

As you go through the course, you will find it very easy to follow the directions. At every step you will be told just what to do next. For example, you will be told what to study, what to write, when to take a test, and what papers you are to prepare for correction. Let us give you a few instructions here to help you understand the course before you begin work on it.

**What You Are Expected to Do.**—This course is made up of 21 lessons; they are not of the same length. However, it would be well to try to spend some time on your lessons each day. If you spend an hour or more on the work each day, you will probably get the most good from the course. Also, in this way, you will be more likely to complete the course in as short a time as possible. If you do not work on the course steadily from day to day, you may lose interest in it.

Do each part of the lesson as you come to it. Do not leave anything half done and think you will come back to it later. You may forget. Do not hurry too much. Do all your work as well as you can. That is what a good citizen does.

**The Book You Need for This Course.**—The book that you will study is called *Our Constitution and Government, Simplified Edition*. It was prepared by the Immigration and Naturalization Service, Department of Justice, to help you learn about the Government of the United States.

**Your Correspondence Center.**—This course is taught through a number of correspondence centers.\* Possibly there will be considerable variation among them in the manner in which such matters as mailing, test corrections, etc., are handled. As this is written, there is no way of foreseeing all these possibilities nor is it necessary. You will simply follow the recommendations and practice of your particular correspondence center. Your papers will be mailed to the center and your work will be judged entirely by the instructional staff there. If you have questions about these arrangements you should write directly to the place from which you obtained these materials.

**Your Helper and Your Teacher.**—Two persons stand ready to help you in this course—your helper and your correspondence teacher. Your helper is a person in your community or in your home who has been asked to help you study this course and who will help you whenever you do not understand the lessons. Your helper may be a member of your family or he may be a friend. He will also give you the tests when you are ready for them.

On the lessons you will be able to help yourself with the correct answers available to you by folding the paper as you complete each page. The tests are to be sent to your Correspondence Center for correction. Each test will be marked for any mistakes you have made and then returned to you.

It is suggested that you have a safe place in which to keep all the papers that are sent back by your teacher. These papers will be helpful to you in completing the course and in preparing yourself for the naturalization examination.

**How To Get Help From Your Correspondence Teacher.**—Feel free to write to your correspondence teacher for help and advice. Perhaps you will want to talk to your helper before you do so; he may be able to assist you. If you write you may ask your helper to write the letter for you. If you, your helper, and your correspondence teacher work closely together, this course will be of great benefit to you.

**And Now on the Course.**—Now you may begin on Lesson 1 of the course. You will find all necessary directions just when you need them.

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\*To determine which correspondence center you should contact, please write or call the office of Immigration and Naturalization Service nearest your home.



OUR CONSTITUTION AND GOVERNMENT

*A Course in Citizenship*

Table of Contents

INTRODUCTION . . . . .	Page vii
HOW TO COMPLETE THE LESSON WORKSHEETS . . . . .	viii
UNIT 1	
Lesson 1 Worksheet . . . . .	3
Lesson 2 Worksheet . . . . .	9
UNIT 2	
Lesson 3 Worksheet . . . . .	17
Lesson 4 Worksheet . . . . .	23
Lesson 5 Worksheet . . . . .	31
Lesson 6 Worksheet . . . . .	37
Lesson 7 Worksheet . . . . .	45
UNIT 3	
Lesson 8 Worksheet . . . . .	57
Lesson 9 Worksheet . . . . .	63
Lesson 10 Worksheet . . . . .	67
UNIT 4	
Lesson 11 Worksheet . . . . .	75
Lesson 12 Worksheet . . . . .	79
Lesson 13 Worksheet . . . . .	85
Lesson 14 Worksheet . . . . .	91
Lesson 15 Worksheet . . . . .	101
UNIT 5	
Lesson 16 Worksheet . . . . .	109
Lesson 17 Worksheet . . . . .	119
UNIT 6	
Lesson 18 Worksheet . . . . .	129
Lesson 19 Worksheet . . . . .	135
Lesson 20 Worksheet . . . . .	141
Lesson 21 Worksheet . . . . .	149



## OUR CONSTITUTION AND GOVERNMENT

### Introduction

In the United States of America the Government serves all the people, but only the citizens have the right to choose the men who will run the Government.

Most of our citizens were born in the United States. Others have come here by choice, and have become naturalized citizens. To aid those who wish to prepare for citizenship, the Immigration and Naturalization Service has published the Federal Textbook on Citizenship.

This correspondence course consists of a textbook, a set of unit tests, and this set of worksheets. The worksheets are an important part of the citizenship course. You should read the entire lesson and then complete the lesson worksheet. When you are done with the worksheet, fold the edges of the pages over to check your answers.

The worksheets can be used as an important part of your learning. If you get an answer wrong, be sure to find out why. Use your textbook to find out the reason for the right answer.

A knowledgeable citizen is the key to a successful and lasting democracy. Best of luck in your efforts to become a United States citizen.

**FEDERAL TEXTBOOK ON CITIZENSHIP—Home Study Course**

# **Our Constitution AND Government**



**M-40 (Revised 1978) N**

## Introduction

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Most of our citizens were born in the United States. Others have come here by choice, and have become naturalized citizens. To aid those who wish to prepare for citizenship, the Immigration and Naturalization Service has published the Federal Textbook on Citizenship.

This correspondence course consists of a textbook, a set of worksheets, and this set of unit tests. The unit tests are an important part of the citizenship course. You should read all the lessons in each unit, complete the lesson worksheets, and then take the unit final test for that unit. When you are done, mail the final test to the course director. It will be corrected and returned to you.

The tests can be used as an important part of your learning. If you get an answer wrong, be sure to find out why. Use your textbook to find out the reason for the right answer.

A knowledgeable citizen is the key to a successful and lasting democracy. Best of luck in your efforts to become a United States citizen.

U.S. Department of Justice  
Immigration and Naturalization Service



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## **United States Immigration Laws**

### **General Information**

M-50 (Rev. 4-1-83) N

## FOREWORD

This pamphlet furnishes information to help solve the kinds of problems met most frequently in the matter of aliens entering the United States. It has not been practicable to discuss exceptional situations or to include all of the requirements and exemptions applicable to crewmen on vessels and airplanes and to other special classes. The Immigration and Nationality Act contains virtually all of the law relating to the entry of aliens and to the acquisition and loss of U.S. citizenship. Title 8 of the Code of Federal Regulations contains the regulations relating to immigration and nationality. If more information is needed than is provided in this pamphlet, it may be obtained from any of the offices listed in the back pages.

M-50 (Rev. 4-1-83) N

For sale by the Superintendent of Documents  
U.S. Government Printing Office  
Washington, D.C. 20402

ii

## CONTENTS

	Page
Foreword .....	ii
General information .....	1
Nonimmigrants .....	1
Entry documents for nonimmigrants .....	5
Visas not required .....	5
Passport not required .....	6
Special requirements .....	6
Problems .....	10
Immigrants .....	11
Preference categories .....	12
Special immigrants .....	12
Immediate relative of U.S. citizen ....	13
Refugees .....	14
Special note .....	14
Entry documents for immigrants .....	15
Lawful permanent residents .....	15
New immigrants not required to present passports or visas .....	15
New immigrants not required to present passports—but require visas .....	16
Visa petitions—relative .....	17
Visa petitions—workers .....	17
Change of status from one nonimmigrant category to another .....	17
Legalizing your status .....	18
Adjustment of status from nonimmigrant to immigrant .....	18
Registration and fingerprinting .....	19
Address reporting .....	19
Permission to enter the United States ....	20
Addresses of offices of the Immigration and Naturalization Service .....	21

iii

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# Gateway to CITIZENSHIP



UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE

M-74

## PREFACE

*Gateway to Citizenship* is a manual designed to assist naturalization courts, bar associations, civic and educational leaders, patriotic organizations, and individuals in adding to the dignity of the ceremonies surrounding the admission to citizenship and in emphasizing the significance and importance of citizenship. The manual is an official publication of the Immigration and Naturalization Service. It was initiated, however, by the National Citizenship Education Program and was originally prepared by Carl B. Hyatt, formerly an Assistant Commissioner of the Immigration and Naturalization Service, with the cooperation of various committees, including the Attorney General's Advisory Committee on Citizenship and the committees on American Citizenship of both the American Bar Association and the Federal Bar Association. It is in no sense a collection of directives. Rather it is a series of suggestions, ideas, and materials gathered from a survey of practices all over the country.

It is sincerely hoped that this manual will continue to be of use to the courts engaged in naturalization work and to all individuals and organizations in planning programs for patriotic occasions.

*Commissioner of Immigration and Naturalization.*

## CONTENTS

<b>PART I. The Naturalization Ceremony:</b>		<b>Page</b>
CHAPTER 1. Background.....		1
CHAPTER 2. Significance of the ceremony.....		7
CHAPTER 3. The court ceremony.....		11
Time and place.....		12
Preliminary procedures.....		14
Opening of court.....		14
The flag.....		15
Music.....		16
Invocation.....		16
Presentation of candidates.....		16
The oath of allegiance.....		17
Address to new citizens.....		19
Certificates of citizenship and mementos of the occasion.....		22
Pledge of allegiance.....		22
Closing of court.....		25
CHAPTER 4. Community participation.....		27
<b>PART II. National Citizenship Recognition:</b>		
CHAPTER 1. Origin.....		33
CHAPTER 2. The Program.....		37
Organization of committees.....		37
Relation to broader programs.....		39
Citizens chosen for special honor.....		41
General theme.....		42
Parades.....		44
Pageants.....		45
Prayers and sermons.....		46
Pledges, creeds, and codes.....		48
Addresses.....		48
<b>PART III. Source Material:</b>		
CHAPTER 1. Statements by Presidents of the United States.....		57
CHAPTER 2. Statements by Chief Justices of the United States.....		75
CHAPTER 3. Statements by Naturalized Citizens.....		79
CHAPTER 4. Statements on Americanism and Freedom....		85
CHAPTER 5. Addresses to New Citizens.....		109
CHAPTER 6. Suggestions for Programs.....		139



*A  
Welcome to  
U.S.A.  
Citizenship*



M-76  
(Revised 6-1-74) Y

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UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE



### *Pledge of Allegiance to the Flag*

I pledge allegiance to the flag of the United States of America  
and to the Republic for which it stands, one Nation under God,  
indivisible, with liberty and justice for all.

The pledge should be rendered by standing with the right hand  
over the heart. However, civilians will always show full respect  
to the flag when the pledge is given by merely standing at atten-  
tion, men removing headdress.

### *Rules for Saluting the Flag*

During the ceremony of hoisting or lowering the flag, or  
when the flag passes in a parade or is displayed during the play-  
ing of the national anthem, civilians should stand at attention  
and face the flag. Men should remove the headdress and with  
the right hand hold it at the left shoulder, the hand being over  
the heart. Men without hats and women should salute by plac-  
ing the right hand over the heart. The flag in a parade should  
be saluted at the moment it passes. When the national anthem  
is played without display of the flag, civilians should stand at  
attention facing toward the music, men removing the headdress.

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## The Immigration Service Asks Your Help

In the regular course of daily duties you, as a local law enforcement officer or an employer, often come in contact with aliens. All aliens (non-citizens) are subject to immigration laws which regulate their entry and set the conditions of their stay. Local law enforcement officers and employers are in a good position to help in the enforcement of these laws.

The vast majority of the aliens in the United States are legally here. The information herein will help you to identify the various immigration documents that might be carried by an alien who is legally in the U.S. Most aliens lawfully in the United States should have some kind of immigration document. Exceptions: Canadians and certain other residents of Canada may be admitted to the U.S. for periods up to one year for pleasure or business without the issuance of immigration documents; however, they usually will have in their possession evidence of Canadian citizenship or residence. Other aliens, such as government officials from Mexico or Canada, and employees of treaty organizations such as NATO, are often admitted without documents. They will have some form of official identification, however.



Some aliens have entered this country illegally, and in addition, others who were given permission to enter temporarily have violated the conditions of their admission. These aliens are "wanted" by this Service. It is not the purpose of this pamphlet to authorize the arrest or detention of any person, but if an alien comes to your attention who *appears* to be in an illegal status, or you wish further information, you are requested to telephone or wire "collect" to the following office of the Immigration and Naturalization Service. Your call will be appreciated and will be given prompt attention.

Office:

Address:

Telephone:

Generally speaking, all persons in the United States are either citizens or aliens.





appealable, and may also be made with regard to a decision by an appellate authority. Incidentally, when you submit an appeal from a decision by a District Director or Officer in Charge of a Service office, that official may treat the appeal as a motion to reopen or reconsider, if he is convinced by the appeal papers that the application or petition ought to be approved.

#### **MOTION TO REOPEN OR RECONSIDER**

The motion must be in writing, addressed to the official who made the last decision in your case. A single copy should be filed if it is being taken to the Commissioner, District Director, or Officer in Charge, and in triplicate if it is being taken to the Board of Immigration Appeals, through the office of the Service having jurisdiction over your place of residence. A brief may be submitted with the motion.

A motion to reopen shall state the new facts to be proved in the reopened proceeding and shall be supported by affidavits or other evidence.

A motion to reconsider shall state the reasons for reconsideration and shall be supported by any pertinent precedent decisions.

A motion to reopen or reconsider a decision in a deportation proceeding may not be made after the alien has departed from the United States.

You will receive a written decision on any motion you may file. The filing of a motion to reopen or reconsider does not serve to stay the execution of any decision made in the case.

U. S. Department of Justice  
Immigration and Naturalization Service

## **APPEALS AND MOTIONS**

*Under the Immigration and*

*Nationality Act and Related Laws*



M-188  
(Rev. 6-1-84) Y

### **BASIS FOR APPEAL**

The immigration and naturalization laws provide a number of benefits for which applications or petitions may be made to the Immigration and Naturalization Service. They also provide for certain proceedings to determine the admissibility or deportability of aliens. By law or regulation authority to make initial decisions on those matters has been delegated to specified officials of this Service. Also, regulations expressly prescribe whether an appeal may be taken from the initial decision of such officials.

### **WHICH SERVICE OFFICERS ARE AUTHORIZED TO MAKE DECISIONS?**

Authority to make initial decisions is delegated to District Directors of the Service in some instances. In other instances that authority is delegated to Officers in Charge of Service offices. In formal proceedings to determine the admissibility of an alien to the United States, or an alien's deportability, an Immigration Judge makes the initial decision.

### **HOW WILL YOU KNOW IF AN INITIAL DECISION IS APPEALABLE?**

You will be notified at the time an adverse decision is made on your application, petition, or other proceeding, whether that decision is appealable.

### **TO WHOM MAY APPEAL BE TAKEN?**

Some decisions are appealable to the Commissioner of the Immigration and Naturalization Service. Others are appealable to the Board of Immigration Appeals, a five-member Board which is responsible solely to the Attorney General. When you are furnished notice of an adverse decision in your case, if the decision is appealable, you will be notified to whom the appeal may be made.

### **HOW DO YOU SUBMIT AN APPEAL?**

When you are notified of an adverse decision which is appealable, you will be furnished the necessary forms which must be filled out in accordance with the instructions thereon if you desire to appeal. The appeal is submitted *through the Service office at which your case is pending*. The appeal must be submitted so as to reach that office *within the time specified in the instructions*. There is no authority to extend the time for submitting an appeal. A brief is not required, but may be submitted in support of the appeal.

### **REPRESENTATION BY COUNSEL**

In presenting and prosecuting an appeal, you may, if you desire, be represented at no expense to the government by an attorney or other duly authorized representative. A special form to be filled out by the attorney or representative is available at Service offices. No interpreters are furnished by the Government for the argument before the board.

### **ORAL ARGUMENT**

When filing an appeal, you may request the privilege of appearing for oral argument before the appellate authority. The appellate authority may deny such a request.

### **IS APPEAL THE ONLY METHOD OF SECURING FURTHER CONSIDERATION?**

No. Some types of applications, if denied by a District Director, may be renewed before an Immigration Judge in the course of deportation or exclusion proceedings. If this is applicable to your case, the District Director's notice of denial will so advise you.

Also, you are entitled to file a motion to reopen or a motion to reconsider any decision made in your case. A motion may be made with regard to an initial decision, whether or not it is

authorized stay as endorsed on that Form I-94. The Form I-94 may be presented in lieu of Form I-20 or DSP-66, under the circumstances specified, whether or not the visa has expired. In other words, under the circumstances specified, presentation of the Form I-94 will relieve the alien of the requirements for a visa and Form I-20 or DSP-66. Nevertheless, it is strongly urged that the alien be in possession of Form I-20 or DSP-66, endorsed by the appropriate official to show the unexpired period of stay previously authorized by INS, as Form I-94 may inadvertently be lifted when the alien enters Canada.

(b) A student or exchange visitor (including spouse or child) who is a Canadian national, or who is a citizen of one of the countries listed in paragraph 2(b) and has been granted status as a "landed immigrant" in Canada, may be readmitted to the United States without presenting a Form I-20 or DSP-66 after a temporary absence to Canada, if otherwise admissible, provided he presents the Form I-94 issued in connection with his prior admission to the United States showing an unexpired period of authorized stay. If found admissible, such student or exchange visitor will be admitted only until that date. Under the circumstances specified in this paragraph the absence in Canada is not limited to 30 days. Nevertheless it is strongly urged that the alien be in possession of Form I-20 or DSP-66, endorsed by the appropriate official to show the unexpired period of stay previously authorized by INS, as Form I-94 may inadvertently be lifted when the alien enters Canada.

(c) In all other instances, a student or exchange visitor who is proceeding temporarily outside the United States and intends to return to resume his student or exchange visitor status, must meet the general requirements set forth in paragraph 1(a), and should obtain a current Form I-20 from his school or a current Form DSP-66 from his exchange program sponsor. The form should be endorsed by the school or the sponsor to show the date of stay previously authorized by the Immigration and Naturalization Service, as shown on his Form I-94. The student or exchange visitor should present the current Form I-20 or DSP-66 to a U.S. immigration officer upon return to the United States. The student or exchange alien may retain such Form I-20 or DSP-66 for presentation upon subsequent arrivals prior to the endorsed date.

5. *Spouses and Children of Students or Exchange Visitors.* The spouse and children of an F-1 student may be issued F-2 visas, and the spouse and children of a J-1 exchange visitor may be issued J-2 visas,

if accompanying or following to join the F-1 or J-1 alien. If the spouse or children are following to join and are seeking F-2 visas and admission as F-2 nonimmigrants, they must present to the U.S. consular officer and to the U.S. Immigration officer at the port of entry a copy of the Form I-20 from the school in which the F-1 student is enrolled stating that the latter is taking a full course of study and noted by the school to indicate the expiration of his authorized stay in the United States as shown on his Form I-94. If the following-to-join spouse and children are seeking J-2 visas and admission as J-2 nonimmigrants, they must present to the consular and immigration officers a copy of Form DSP-66 endorsed by the sponsor of the program in which the J-1 exchange visitor is participating and noted by the sponsor to indicate the expiration of the exchange visitor's authorized stay in the United States as shown on his Form I-94.

6. *Visa Revocation.* A student or exchange alien or his spouse or child who is proceeding outside the United States temporarily must present a valid unexpired passport and visa upon his return, unless exempted from those requirements as discussed in paragraphs number 2 and 3 above. Application for a revalidated F or J visa may be made to a U.S. consul abroad.

7. *Canadian Nationals.* Because of the frequency with which nonimmigrants who are Canadian nationals enter and reenter the U.S., the following points are emphasized with respect to such nationals:

(a) A passport is not required of a Canadian national if he is seeking entry into the United States as an F or J nonimmigrant from a place within the Western Hemisphere.

(b) A visa is not required of a Canadian national if he is seeking entry into the United States as an F or J nonimmigrant from any place outside the United States.

(c) Form I-20 or DSP-66 is not required of a Canadian national returning from a temporary absence in Canada if he presents Form I-94, issued in connection with his prior admission to the United States, showing an unexpired period of authorized stay as an F or J nonimmigrant. Nevertheless it is strongly urged that the alien be in possession of Form I-20 or DSP-66, endorsed by the appropriate official to show the unexpired period of stay previously authorized by INS, as Form I-94 may inadvertently be lifted when the alien enters Canada.

GPO 912-487

## NONIMMIGRANT STUDENTS

AND

## EXCHANGE VISITORS

## DOCUMENTARY REQUIREMENTS

FOR

## ADMISSION TO THE UNITED STATES

UNITED STATES DEPARTMENT OF JUSTICE  
Immigration and Naturalization Service

M-195  
(Rev. 2-10-77)N

**NONIMMIGRANT STUDENTS AND EXCHANGE VISITORS  
DOCUMENTARY REQUIREMENTS FOR ADMISSION  
TO THE UNITED STATES**

1. *General.* (a) A nonimmigrant F-1 student or J-1 exchange visitor seeking admission to the U.S. must present:

a passport valid for at least six months beyond his intended stay in the United States;

an appropriate valid nonimmigrant visa issued by an American consul showing F-1 or J-1 classification and;

if an F-1 student, a current Form I-20, Certificate of Eligibility, issued by a school approved by INS\* for attendance by nonimmigrant students; or

if a J-1 exchange visitor, a current Form DSP-66, Certificate of Eligibility for Exchange Visitor Status, issued by an organization whose exchange program has been approved by the Department of State.

(b) Upon admission to the United States, a Form I-94 (Arrival-Departure Record) endorsed by the immigration officer to show the period of authorized stay is issued to the alien.

(c) There are a number of exceptions to the foregoing requirements for passport, visa and Form I-20 or DSP-66. The principal exceptions are described below.

2. *Passports.* (a) A passport is not required of a Canadian national if he is seeking entry to the U.S. from a place within the Western Hemisphere.

(b) A passport is not required of an alien who has his residence in Canada or Bermuda and has a common nationality with Canadian nationals or with British subjects if he is seeking entry to the U.S. from a place within the Western Hemisphere. The following have a common nationality with Canadian nationals or British subjects: Citizens of Australia, Bahamas, Bangladesh, Barbados, Botswana, Cyprus, Fiji, Gambia, Ghana, Guyana, India, Ireland, Jamaica, Kenya, Lesotho, Malawi, Malaysia, Malta, Mauritius, New Zealand,

\* Immigration and Naturalization Service

Nigeria, Pakistan, Rhodesia and Nyasaland (including Southern Rhodesia), Sierra Leone, Singapore, South Africa, Sri Lanka (formerly Ceylon), Swaziland, Tanzania, Trinidad and Tobago, Uganda, United Kingdom (including colonies, territories and dependencies such as Hong Kong, British Honduras, etc.) Western Samoa and Zambia.

(c) The following foreign governments have entered into agreements with the United States Government whereby their passports are recognized as valid for six months beyond the expiration date specified in the passport.

Algeria	Guyana	Panama
Australia	Honduras	Peru
Austria (Relepass only)	Iceland	Philippines
Bahamas (Travel permit and passport)	India	Portugal
Bangladesh	Ireland	Spain
Belgium	Israel	Sri Lanka (formerly Ceylon)
Bolivia	Italy	Sudan
Brazil	Ivory Coast	Sweden
Canada	Jamaica	Switzerland
Chile	Khmer Republic (formerly Cambodia)	Syrian Arab Republic
Colombia	Korea	Thailand
Cuba	Laos	Togo
Cyprus	Lebanon	Trinidad and Tobago
Denmark	Liechtenstein	Trust Territory of the Pacific Islands
Dominican Republic	Luxembourg	Tunisia
Ecuador	Malagasy Republic	United Kingdom of Great Britain and Northern Ireland (including Jersey, Guernsey and its dependencies, but not other dependent areas)
Egypt, Arab Republic of	Mauritius	Uruguay
Ethiopia	Mexico	Venezuela
Finland	Monaco	Viet Nam
France	The Netherlands	Yugoslavia
Germany (Relepass and Kinderausweis only)	Nicaragua (Diplomatic and Official Passports only)	
Greece	Nigeria	
Guatemala	Norway	
Guinea	Pakistan	

3. *Visas.* (a) An F-1 or J-1 visa is not required of a Canadian national, or of an alien who has his residence in Canada or Bermuda and has a

common nationality with Canadian nationals or with British subjects.

(b) An alien who was admitted to the United States as an F-1 or J-1 nonimmigrant and whose visa has expired, or whose nonimmigrant classification was changed to F-1 or J-1 after admission, does not need to obtain a revalidated or new F-1 or J-1 visa in order to reapply for admission to the United States in F-1 or J-1 status after an absence not exceeding 30 days solely in Canada, Mexico, or "adjacent islands" (Saint Pierre, Miquelon, the Dominican Republic, Haiti, Bermuda, the Bahamas, Barbados, Jamaica, the Windward and Leeward Islands, Trinidad, Martinique and other British, French and Netherlands territory or possessions in or bordering on the Caribbean Sea), under the following conditions:

(1) he does not belong to a class of aliens excludable from the United States;

(2) he has maintained and intends to resume his F or J status; and

(3) he has a valid passport; and

(4) he presents, or is the accompanying spouse or child of an alien who presents a current Form I-20 or a current Form DSP-66 issued by an authorized school official or exchange program official and endorsed by such official to show the unexpired period of the alien's stay previously authorized by INS. However, please note paragraph 4(a) below.

An alien who meets the above conditions, if found admissible, will be admitted only until the expiration of his previously authorized stay as endorsed on his Form I-20 or DSP-66.

4. *Forms I-20 or DSP-66.* (a) If an alien who was admitted to the U.S. as an F-1 or J-1 nonimmigrant or whose nonimmigrant classification was changed to F-1 or J-1 after admission (including his spouse or child) meets each of the first three enumerated conditions in paragraph 3(b) and is returning to the United States from an absence not exceeding 30 days solely to Canada or Mexico, he may present, in lieu of the Form I-20 or DSP-66, the Form I-94 issued to him in connection with his prior admission to the United States showing an unexpired period of authorized stay. Such alien, if found admissible, will be admitted only until the expiration of his previously

U.S. Department of Justice  
Immigration and Naturalization Service



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## **Employment of F-1 AND M-1 Nonimmigrant Students in the United States**

Form M-201 (Rev. 2-1-84)N

**Employment of F-1 and M-1  
Nonimmigrant Students in the United States**

**F-1 STUDENTS**

1. **F-1 CLASSIFICATION.** F-1 classification is accorded to an alien who is admitted to the United States temporarily for the sole purpose of pursuing a full course of study at a college, university, seminary, conservatory, academic high school, elementary school, other academic institution or a language training program approved by the Attorney General for attendance by nonimmigrant students. The student must have a residence in a foreign country which he/she does not intend to abandon.

2. **EMPLOYMENT POLICY.** Since a nonimmigrant F-1 student is admitted to the United States solely to pursue a full course of study, he/she is not permitted to engage in employment in this country except under specified circumstances. Before he/she may be issued an F-1 visa and admitted to the United States or granted F-1 classification, a nonimmigrant student must establish that sufficient funds will be available to him/her to finance the entire period of his/her stay and study in the United States without having to engage in off-campus employment. Unauthorized employment is a violation of the student's immigration status.

3. **EMPLOYMENT PERMISSION.** The only circumstances under which an F-1 student may be permitted to engage in employment are set forth below:

a. **Employment on Campus.** On-campus employment means employment performed on the school's premises. On-campus employment pursuant to the terms of a scholarship, fellowship, or assistantship is deemed to be part of the academic program of a student otherwise taking a full course of study. Therefore, an F-1 student does not require permission of the Immigration and Naturalization Service to accept this kind of on-campus employment or any other on-campus employment which will not displace a United States resident. However, on-campus employment must not exceed twenty hours a week while school is in session and, regardless of the type of on-campus employment involved, the student must be taking a full course of study, except during vacation or recess periods when he/she is not required to attend school. During a vacation or recess period, a student may engage in full-time on-campus employment if he/she is eligible, and intends, to register for the next term or session. A student may not engage

in on-campus employment after completion of his/her course or courses of study, except for practical training which is authorized by the Immigration Service.

b. **Alternate Work/Study Courses.** An F-1 student enrolled in a college, university, or seminary having alternate work/study courses as a part of the regular curriculum available within the student's program of study may participate in those courses without obtaining a change of status and without obtaining permission to accept employment. Periods of actual off-campus employment which are part of a work/study program, however, are considered to be practical training. They, therefore, must be deducted from the total practical training time for which the student is eligible. The work must be in a field related to the course of study. Normally, a student is limited to a total of twelve months of practical training. The only exception is where more than twelve months of practical training is actually a required part of the student's academic curriculum and the student is unable to complete the course of study without engaging in the alternate work/study course(s).

c. **Part-Time Off-Campus Employment Because of Economic Necessity.** Off-campus employment is prohibited for a student who remains in the United States in F-1 status for one year or less. Off-campus employment is also prohibited during the first year in the United States for a student who remains in the United States in bona fide F-1 status for more than one year. The first year means the first full year in bona fide F-1 status. A temporary absence of five months or less from the United States during the first full year does not disqualify a student from being eligible for employment authorization.

A student may be granted part-time off-campus employment after his/her first full year in the United States if he/she is in need of employment because of economic necessity due to unforeseen circumstances arising subsequent to entry or subsequent to a change to F-1 classification. An application must be filed with the Immigration Service office having jurisdiction over the school the student was last authorized to attend and must be submitted on Form I-538 accompanied by the student's Form I-20 ID copy. Form I-538 may be obtained from the Immigration Service.

The application must be endorsed by a designated school official. The endorsement must state that the student:

- (I) Is in good standing as a student who is carrying a full course of study;

- (II) Has demonstrated economic necessity due to unforeseen circumstances arising subsequent to entry or subsequent to change to student classification;

- (III) Has demonstrated that acceptance of employment will not interfere with the student's carrying a full course of study; and

- (IV) Has agreed not to work more than twenty hours a week while school is in session.

If off-campus employment is approved by the Immigration Service, the student's Form I-20 ID copy will be noted "Part-time employment authorized from (date) to (date)." A student has permission to engage in off-campus employment only if he/she receives his/her Form I-20 ID copy endorsed to that effect. Off-campus employment may be granted up to the expected date of completion of a student's current course of study, but the employment must not exceed twenty hours a week while school is in session. Permission to engage in off-campus employment is terminated when a student transfers from one school to another or when the need for that employment ceases. A student may work full time during vacation or recess periods when he/she is not required to attend school.

d. **Practical Training.** An F-1 student may make application to the Immigration Service on Form I-538, accompanied by the student's Form I-20 ID copy, for permission to accept employment for practical training in a field related to his/her course of study. The application is submitted to the Immigration Service office having jurisdiction over the school the student was last authorized to attend and must be endorsed by a designated school official recommending the practical training and indicating a belief that the practical training will not be available to the student in his/her own country of residence.

Temporary employment for practical training may be authorized only:

- (I) After completion of the course of study if the student intends to engage in only one course of study;
- (II) After completion of at least one course of study if the student intends to engage in more than one course of study;
- (III) After completion of all course requirements for the degree if the student is in a bachelor's, master's, or doctoral degree program;

- (IV) Before completion of the course of study if the student is attending a college, university, seminary, or conservatory which requires practical training of all degree candidates in a specified professional field and the student is a candidate for a degree in that field; or
- (V) Before completion of the course of study during the student's annual vacation if recommended by the designated school official as beneficial to the student's academic program.

If an application for permission to accept employment for practical training is approved by the Immigration Service, the student's Form I-20 ID copy will be endorsed "Practical training authorized from (date) to (date)." There is no limitation on the weekly number of hours that a student may work for practical training. This work may be on-campus or off-campus.

An application for permission to extend employment for practical training must be submitted on Form I-538 accompanied by the student's Form I-20 ID copy. The application is filed with the Immigration Service office having jurisdiction over the *actual place of employment* and must be endorsed by a designated official of the school the student was last authorized to attend. There must be attached to the extension application a letter from the student's employer stating the occupation in which the student is employed, the exact date employment began, and the date employment will terminate, and describing in detail the duties of the occupation.

Provided that the student's course of study is of at least twelve months' duration, the Immigration Service may grant a student not in a language training program permission to accept temporary employment for practical training for six months or less if he/she has not been offered temporary employment for practical training; for twelve months or less if he/she has been offered temporary employment for practical training; or to continue temporary employment for eight months or less. The period of practical training which may be granted during a student's vacation, however, is limited to the length of the vacation rounded off to the closest number of months. A student may not be granted a period of practical training which would result in the student's being engaged in practical training for more than twelve months in the aggregate. When the course of study is of less than twelve months' duration, an F-1 student not in a language training program may be granted permission to engage in employment for practical training for an aggregate number of months not exceeding the length of the

student's course of study. An F-1 student in a language training program may be granted employment for practical training for a period or periods of time equal to one month for each four months during which the student carried a full course of study at the school(s) the student was authorized to attend in the United States. Practical training authorized after completion of a course of study is deemed to commence on the date the student begins employment or sixty days after completion of the course of study, whichever is earlier.

4. **SPOUSES AND CHILDREN OF F-1 STUDENTS.** Accompanying spouses and children of F-1 students are classified as F-2. They may *not* be granted work permission. F-2 aliens who engage in employment violate their immigration status.

5. **LABOR DISPUTES.** Permission to engage in any employment is automatically suspended while a strike or other dispute involving a work stoppage is in progress in the student's occupation at the place where the student is employed. An F-1 student must suspend employment immediately if such a situation arises at his/her place of employment.

## M-1 STUDENTS

1. **M-1 CLASSIFICATION.** M-1 classification is accorded to an alien who is admitted to the United States temporarily for the sole purpose of pursuing a full course of study at an established vocational or other recognized nonacademic institution other than in a language training program. The student must have a residence in a foreign country which he/she does not intend to abandon.

2. **EMPLOYMENT POLICY.** Before he/she may be issued an M-1 visa and admitted to the United States or granted M-1 classification, a nonimmigrant student must establish that sufficient funds will be available to him/her to finance the entire period of his/her stay and study in the United States without having to engage in employment of any kind. Therefore, except as provided for below, an M-1 student may not accept either on-campus or off-campus employment.

3. **PRACTICAL TRAINING PERMISSION.** Upon completion of his/her studies, an M-1 student may be granted permission to accept employment for practical training by the Immigration Service in a field related to his/her course of study. The application for practical training is submitted on Form I-538, accompanied by the student's Form I-20 ID copy, to the

Immigration Service office having jurisdiction over the school the student was last authorized to attend. The application must be endorsed by a designated school official recommending the practical training and indicating a belief that the practical training will not be available to the student in his/her own country of residence.

If an application for permission to accept employment for practical training is approved, the student's Form I-20 ID copy will be endorsed "Practical training authorized from (date) to (date)." The student has permission to engage in employment for practical training only if and when he/she receives the Form I-20 ID copy endorsed to that effect.

An M-1 student may be granted one period of practical training for a period of time equal to one month for each four months during which he/she pursued a full course of study, but not more than six months in the aggregate, plus thirty days within which to depart the United States.

**4. SPOUSES AND CHILDREN OF M-1 STUDENTS.** Accompanying spouses and children of M-1 students are classified as M-2. They may *not* be granted work permission. M-2 aliens who engage in employment violate their immigration status.

**5. LABOR DISPUTES.** Permission to engage in any employment is automatically suspended while a strike or other dispute involving a work stoppage is in progress in the student's occupation at the place where the student is employed. An M-1 student must suspend employment immediately if such a situation arises at his/her place of employment.





U.S. Department of Justice  
Immigration and Naturalization Service



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# Guide to Immigration Benefits

Revised Edition  
1982 Y

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GUIDE TO IMMIGRATION BENEFITS

Form M 210

(Revised 1982)

PREPARED BY

INS OUTREACH PROGRAM

Immigration and Naturalization Service  
425 I Street, N. W.  
Washington, DC 20536

## TABLE OF CONTENTS

### PHASE I

Family Reunification, Labor  
Certifications, Refugees and  
Asylees, Adjustment of Status,  
Nonimmigrants

- I. Foreword
  - Preface (Includes recent changes in I&NA)
- II. General Information
  - Outreach Participation
- III. Preparation and Submission of Applications and Petitions
  - Supporting Documents
  - Translations
  - Secondary Evidence
  - Photographs
  - Fingerprints
  - Notice of Appearance on Behalf of an Alien
  - Cover Letter
  - Keeping File Copies
  - Receipts and Fees
  - Proof of Filing
  - Mailing Applications or Petitions
- IV. Eligibility for Immigrant Visas: Immediate Relatives
  - Spouses of United States Citizens
  - Children of United States Citizens
  - Legitimate Child

- Illegitimate Child
- Legitimated Child
- Stepchild
- Adopted Child
- Orphan Child

Parents of United States Citizen

V. Eligibility for Immigrant Visas: The Preference System

VI. Eligibility for Immigrant Visas: Family Reunification

First Preference

Fourth Preference

Fifth Preference

Second Preference

VII. Eligibility for Immigrant Visas: The Occupational Preferences

Third Preference

Sixth Preference

Schedule A Blanket Labor Certification

Schedule B, Occupations for Which a Labor Certification  
Cannot be Granted

Exemptions from Labor Certification Requirement

VIII. Eligibility for Immigrant Visas: Nonpreference

Exemptions From Alien Labor Certification Requirement

-- Investors

-- Aliens Who Will Not Enter the Labor Market

-- Female Fiancées of Lawful Permanent Residents

IX. Refugees and Asylees

Definition of Refugees

Number of Refugee-Immigrants Authorized

Firmly Resettled

Application for Asylum in the United States

Factors to be Considered in Approving Asylum

X. Other Immigrants

Special Immigrants

Returning Residents

Silva Cases

XI. Priority Dates

Priority Dates Related to Visa Availability

Alternate Chargeability

Alternate Priority Date

State Department Monthly Visa Bulletin

XII. Adjustment of Status

Procedure

Employment Authorization

Grounds for Exclusion

Waivers and Permission to Reapply

From Refugee/Asylee to Lawful Permanent Resident

-- Common Procedures

-- Particular Procedures

Post April 1, 1980, Entry as Refugee

Granted Asylum in the United States

Vietnamese, Laotians or Cambodians

Other Refugees Paroled into the United States  
Prior to April 1, 1980

Native and Citizen of Cuba

One Step Processing

XIII. Other Admissions or Lawful Permanent Residents

Fiances and Fiancees

Creation of Record of Lawful Admission

XIV. Nonimmigrants

Classes of Nonimmigrants

-- B-2, Visitor for Pleasure

-- B-1, Visitor for Business

-- F-1, Student

Change of Nonimmigrant Status

XV. Alien Documentation

Form I-551, Alien Registration Receipt Card

Form I-151, Alien Registration Receipt Card

Re-entry Permit

Refugee Travel Document

Other Alien Documentation

XVI. Suspension of Deportation

Good Moral Character

Extreme Hardship

Procedure

INS Sample Forms

PHASE II

Immigrant Visa Processing Abroad

Immigrant Visa Processing Abroad

Packet 3A

Packet 3

Documents Required of All Applicants

Packet 4

Administrative Processing

Inspection and Admission to the United States

Denials of Visa Applications

Administrative Relief from Denials

"Stateside Criteria" Processing

State Department Sample Forms

PHASE III

Naturalization and Citizenship

Naturalization Requirements

- Lawful Permanent Residence
- Age Requirement
- Physical Presence
- Good Moral Character
- Literacy and Educational Requirements
- Other Exceptions

Derivation or Acquisition of Citizenship

INS Sample Naturalization/Citizenship Forms

APPENDIX

- A. Grounds for Exclusion from the United States
- B. Secondary Evidence
- C. Classes of Nonimmigrants
- D. Employment Authorization
- E. List of INS Offices

- F. Visa Issuing Posts
- G. List of Commonly Used Forms
- H. Fee Chart
- I. Information and Forms

## I. FOREWORD

The revised edition of the "Guide to Immigration Benefits," (M-210), has been prepared by the Outreach Office of the United States Immigration and Naturalization Service, with special cooperation from the United States Department of State, Visa Office and selected staffs of accredited voluntary immigration counselling agencies (volags).

A special note of thanks is extended to Catherine Rodriguez Dean, Secretary to the INS Chief Immigration Judge, for her valuable contribution and assistance in the compilation, organization, and typing of this manual.

The manual is designed primarily as an aid to the counselling agencies and other social service organizations, groups, individuals, etc., which refer cases to the volags or to the Service in order to help individuals seeking benefits under the nation's immigration laws.

It should be emphasized that this guide is not intended to explain fully all the laws and regulations pertaining to benefits under the Immigration and Nationality Act. In questionable and complex cases, the volags should be encouraged to contact the Immigration Service or the appropriate American embassy or consulate abroad for more detailed information.

Outreach participants interested in information concerning naturalization and citizenship are encouraged to check the "Basic Guide to Naturalization," M-230. That booklet contains more details on naturalization and citizenship than had been presented in brief form in the original "Guide to Immigration Benefits" (M-210), or is presented in this manual.

Outreach participants are reminded that, according to Title 8, Code of Federal Regulations (CFR), part 292, individuals not qualified to act as legal representatives are prohibited from receiving remuneration, directly or indirectly, for representing or assisting individuals in matters before the Service.





U.S. Department of Justice  
Immigration and Naturalization Service



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# **The Immigration Of Permanent Foreign Workers**

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***M-272***

 ***August 1986***



This publication contains information about and relating to immigration laws, regulations, and procedures. This information is current as of its revision date but is subject to change.

IMMIGRATION AND NATURALIZATION SERVICE  
THE IMMIGRATION OF PERMANENT FOREIGN WORKERS

I.	Petitions for Prospective Immigrant Employees.....	1
II.	Other Ways to Come to the United States Permanently to Work.....	13
III.	Information Publications.....	17
IV.	Hints for Doing Research on Coming to the United States Permanently to Work.....	18
V.	Immigration and Naturalization Service Offices in the United States.....	20



U.S. Department of Justice  
Immigration and Naturalization Service



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## Naturalization Requirements and General Information

Form N-17

(Rev. 5-5-83) Y

## TABLE OF CONTENTS

	Pages
General Information .....	1
How to Apply for Naturalization .....	3
Filing the Application .....	3
Citizenship of Applicant's Children .....	3
Examination on the Application .....	4
Final Court Hearing .....	5
General Naturalization Requirements .....	7
Age .....	7
Lawful Admission .....	7
Residence and Physical Presence .....	8
Permission to be Absent .....	9
(a) Employment by American Organ- izations .....	10
(b) Employment by United States Government .....	11
(c) Service for Religious Organiza- tions .....	12
Character and Loyalty .....	12
Communist Party and Similar Membership .....	14
Deportation .....	14
Literacy and Educational Requirements ..	14
Oath of Allegiance .....	16
Naturalization Requirements for Special Classes .....	17
Wives and Husbands of United States Citizens .....	17
Marriage to a Citizen .....	17
Marriage to a Citizen Stationed Abroad ..	18
Overseas Assignment of Citizen Spouse ..	19
Surviving Spouse of United States Citizen Serviceman .....	19
Naturalization of Children .....	20
Children of Citizen .....	21

	Pages
Former United States Citizens .....	22
Veterans of Foreign Armed Forces .....	22
American Women Who Married Aliens ..	23
Servicemen or Veterans .....	24
Service During Certain Periods .....	24
"Lodge Act" Enlistees .....	25
Ineligible Servicemen .....	25
Service for Three Years .....	26
(1) When Three Years' Service Con- tinuous .....	26
(2) When Three Years' Service Not Continuous .....	27
(3) Application Made More Than Six Months After Service Ends ....	27
Seamen .....	28
Employees of organizations promoting United States interests abroad.....	29
Naturalization and Citizenship Papers Lost, Mutilated, or Destroyed .....	31
Declaration of Intention .....	32
Certificates of Citizenship for Wives and Chil- dren of Citizens .....	34
Legalizing Stay in the United States .....	36
Offices and District Headquarters, Immigra- tion and Naturalization Service .....	38

## **PART 1**

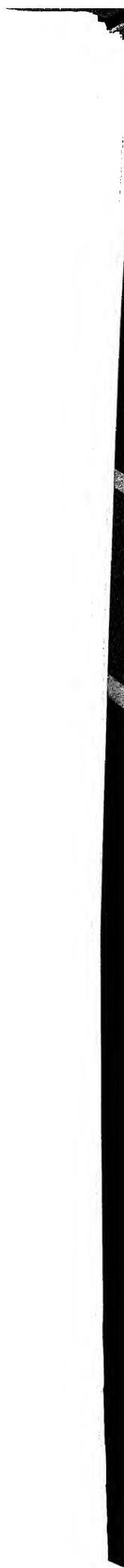
### **GENERAL INFORMATION**

This booklet seeks to furnish information in brief and simple language about the principal requirements for naturalization; the special classes of persons who are exempted from some of those requirements; and what a person must do to become a naturalized citizen of the United States. It also includes a brief discussion on how to obtain a copy of a naturalization or citizenship paper (part 5); how to file a declaration of intention, or, as commonly known, a "first paper" (part 6); how to get a certificate of citizenship for wives and children of citizens (part 7); and how to legalize an alien's residence in the United States so that he may be able to apply for naturalization (part 8).

The naturalization laws apply to both men and women and to all races. They become citizens of the United States in the same way and follow the same procedures.

An alien living in the United States must register and must keep the Immigration and Naturalization Service informed of his address. A registered alien is given an Alien Registration Receipt Card. This card has a number on it which should be shown in all applications and when writing to the Immigration and Naturalization Service about a case. Any alien who has not registered should immediately get in touch with the nearest office of the Immigration and Naturalization Service.

Anyone who cannot find in this pamphlet the answer to his problem, or who may desire any additional information, may obtain it from the nearest office of the Immigration and Naturalization Service. A list of District Headquarters and other offices of the Immigration and Naturalization Service appears on *page 38*.



**Instructions to the Applicant**

You must be at least 18 years old to file a petition for naturalization. Using ink or a typewriter, answer every question in the application form, whether you are male or female. If you need more space for an answer, write "Continued" in your answer, then finish your answer on a sheet of paper this size, giving the number of the question. Submit this form to the Immigration and Naturalization Service office having jurisdiction over your place of residence.

You will be examined under oath on the answers in this application when you appear for your naturalization examination.

If you wish to be called for the examination at the same time as a relative who is also applying for naturalization, make your request on a separate sheet. Be sure to give the name and the Alien Registration Number of that relative.

**1. You must submit the following (Items A, B, C and D) with the application.**

**A. Photographs of your face:**

- 1) Three identical unglazed copies, size 2 X 2 inches only.
- 2) Taken within the last 30 days.
- 3) Distance from top of head to point of chin to be 1 1/4 inches.
- 4) On thin paper, with light background, showing front view without hat.
- 5) In natural color or black and white, and not machine-made.
- 6) Unsigned (but write Alien Registration Number lightly in pencil in center of reverse side).

**B. Fingerprint Chart (Form FD-258):**

Complete all personal data items such as name, address, date of birth, sex, etc. Write your Alien Registration Number in the space marked "Your No. OCA" or "Miscellaneous No. MNU". You must sign the chart in the presence of the person taking your fingerprints and have that person sign his/her name, title and date in the spaces provided. Take the chart and these instructions to a police station, sheriff's office, or an office of this Service, or other reputable person or organization for fingerprinting. (You should contact the police or sheriff's office first since some of these offices do not take fingerprints for other government agencies.) Do not bend, fold or crease the fingerprint chart.

**C. Biographic Information (Form G-325):**

Complete every item in the Biographic Information form furnished with this application and sign your name on the line provided. If you have ever served in the Armed Forces of the United States, you must also submit a completed Form G-325B.

**D. U.S. Military Service:**

If your application is based on your military service, you must submit Form N-426, "Request for Certification of Military or Naval Service."

**2. Fee:**

Do not send a fee with this application.

**3. Alien Registration Receipt Card:**

Do not send your Alien Registration Receipt Card with this application.

**4. Examination on Government and Literacy:**

Every person applying for naturalization must show that he or she has a knowledge and understanding of the history, principles, and form of government of the United States. **There is no exemption from this requirement**, and you will be examined on these subjects when you appear before the examiner.

You will also be examined on your ability to read, write and speak English. If on the date of your examination you are more than 50 years of age and have been a lawful permanent resident of the United States for 20 or more years, you will be exempt from the English language requirements of the law. If you are exempt, you may take the examination in any language you wish.

**5. Oath of Allegiance:**

You will be required to take the following oath of allegiance to the United States in order to become a citizen:

I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by the law; that I will perform noncombatant service in the armed forces of the United States when required by the law; that I will perform work of national importance under civilian direction when required by the law; and that I take this obligation freely without any mental reservation or purpose of evasion; so help me God.

If you cannot promise to bear arms or perform noncombatant service because of religious training and belief, you may omit those statements when taking the oath.

"Religious training and belief" means a person's belief in a relation to a Supreme Being involving duties superior to those arising from any human relation, but does not include essentially political, sociological, or philosophical views or merely a personal moral code.

(Continued on reverse.)

Instructions to the Applicant - Continued

6. The following applies only to applicants who have foreign-born children who are under 18 years of age.

Some or all of your own foreign-born children (not step-children) who are not yet citizens may possibly become United States citizens automatically when you are naturalized. This will happen:

- A. If the child is a lawful permanent resident of the United States and still under 18 years of age when you are naturalized, and
- B. If the child's other parent is already a citizen or becomes a citizen before or at the same time that you become naturalized. If, however, the child's other parent is deceased, or if you are divorced and have custody of the child, then it makes no difference that the child's other parent was or is an alien.
- C. If your child is illegitimate and you are the mother, only Section A above applies.
- D. If the child is adopted, is in your custody, the adoption was completed before the child's 16th birthday, and if the child is a lawful permanent resident of the United States.
- E. If your child is illegitimate and you are the natural father, Section A above applies. You must establish that you were a United States citizen on the date of the child's birth; you must file an affidavit of support valid until the child's 18th birthday; and you must acknowledge paternity in writing, under oath, or have a court order stating that the child is yours.

If you wish, you may apply for a certificate of citizenship for these children on Form N-600, Application for Certificate of Citizenship, with proof of your naturalization.

7. Notice to applicants:

Authority for collection of the information requested in this form and those forms mentioned in the instructions hereto is contained in Sections 309, 328, 329, 332, 334, 335 or 341 of the Immigration and Nationality Act of 1952 (8 U.S.C. 1439, 1440, 1443, 1445, 1446 or 1452). Submission of the information is voluntary inasmuch as the immigration and nationality laws of the United States do not require an alien to apply for naturalization. If your Social Security number is omitted from a form, no right, benefit or privilege will be denied for your failure to provide such number. However, as military records are indexed by such numbers, verification of your military service, if required to establish eligibility for naturalization, may be difficult. The principal purposes for soliciting the information are to enable designated officers of the Immigration and Naturalization Service to determine the admissibility of a petitioner for naturalization and to make appropriate recommendations to the naturalization courts. All or any part of the information solicited may, as a matter of routine use, be disclosed to a court exercising naturalization jurisdiction and to other federal, state, local or foreign law enforcement or regulatory agencies, Department of Defense, including any component thereof, the Selective Service System, the Department of State, the Department of the Treasury, Central Intelligence Agency, Interpol and individuals and organizations in the processing of the application or petition for naturalization, or during the course of investigation to elicit further information required by the Immigration and Naturalization Service to carry out its function. Information solicited which indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature may be referred, as routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating, enforcing or prosecuting such violations. Failure to provide any or all of the solicited information may result in an adverse recommendation to the court as to an alien's eligibility for naturalization and denial by the court of a petition for naturalization.

*It is not possible to cover all the conditions for eligibility or to give instructions for every situation.  
If you have carefully read all the instructions and still have questions, please contact your nearest INS office.*

U.S. Department of Justice  
Immigration and Naturalization Service

Application to File  
Petition for Naturalization

OMB #1115-0009

Please read the instructions before filling out this form.

This block for government use only.

Section of Law

1. Your name (Exactly as it appears on your Alien Registration Receipt Card)

14. Place you were admitted for permanent residency (City and State)

2. Your Alien Registration number  
A- 3. Your Social Security Number

15. Date your continuous residency began in the U.S. (Month/Day/Year)

4. Your name (Full true and correct name, if different from above)

16. How long have you continuously resided in the State where you now live?  
(Number of Months)

5. Any other names you have used (Including maiden)

17. Do you intend to reside permanently in the United States?  
(If No, explain fully) ☐ Yes ☐ No

6. Your date of birth (Month/Day/Year) 7. Your Sex  
☐ Male ☐ Female

8. Your place of birth (City or Town)

(County, Province or State)

(Country)

9. Was your father or mother ever a United States citizen?  
(If Yes, explain fully) ☐ Yes ☐ No

18. Have you served in the United States Armed Forces?  
(If Yes, complete all of #18.) ☐ Yes ☐ No

Branch of Service (Indicate if Reserve or National Guard)

☐ Inducted

☐ Enlisted

Location where you entered (City and State)

Service began (Month/Day/Year)

Service ended (Month/Day/Year)

Service number

Rank at discharge

Type of discharge (Honorable, Dishonorable, etc.)

Reason for discharge (Alienage, conscientious objector, other)

10. Can you read and write English?

☐ Yes

☐ No

11. Can you speak English?

☐ Yes

☐ No

12. Can you sign your name in English?

☐ Yes

☐ No

13. Date you were admitted for permanent residency (Month/Day/Year)

19. At what addresses in the United States have you lived during the last 5 years? List present address *first*.

Street Address	City county and State	From (Month/Day/Year)	To (Month/Day/Year)
			<i>Present</i>

20. What employment have you held during the last 5 years? List present or most recent employment *first*. (If none, write "None".)

Name and Address of Employer	Occupation or Type of Business	From (Month/Day/Year)	To (Month/Day/Year)

21. What is your present marital status?

☐ Married ☐ Widowed ☐ Divorced ☐ Single

22. Complete the following regarding your husband or wife if you are currently married.

First (given) name	Date married (Month/Day/Year)	Date of birth (Month/Day/Year)	Country of birth
Place he or she entered the U.S.	Date entered the U.S. (Month/Day/Year)	His or her Alien Registration Number	Present immigration status
Date naturalized (Month/Day/Year)	Place naturalized	Present address (street and number)	City and State or country

23. Complete the following if you were previously married.

Total number of times you have been married. \_\_\_\_\_

Name of prior husband or wife	Date of marriage (Month/Day/Year)	Date marriage ended (Month/Day/Year)	How marriage ended	INS status
				<input type="checkbox"/> Alien <input type="checkbox"/> Citizen
				<input type="checkbox"/> Alien <input type="checkbox"/> Citizen
				<input type="checkbox"/> Alien <input type="checkbox"/> Citizen

24. Complete the following if your present husband or wife was previously married.

Total number of times your husband or wife has been married. \_\_\_\_\_

Name of prior husband or wife	Date of marriage (Month/Day/Year)	Date marriage ended (Month/Day/Year)	How marriage ended	INS status
				<input type="checkbox"/> Alien <input type="checkbox"/> Citizen
				<input type="checkbox"/> Alien <input type="checkbox"/> Citizen
				<input type="checkbox"/> Alien <input type="checkbox"/> Citizen

25. Complete all columns for each of your children. (If child lives with you, state "with me" in Location column; otherwise, give the City and State of that child's residence.)

Indicate your total number of children. \_\_\_\_\_

Given name	Date of birth	Country of birth	Date of entry	Port of entry	Location	Alien Registration No.	Sex
							<input type="checkbox"/> Male <input type="checkbox"/> Female
							<input type="checkbox"/> Male <input type="checkbox"/> Female
							<input type="checkbox"/> Male <input type="checkbox"/> Female
							<input type="checkbox"/> Male <input type="checkbox"/> Female
							<input type="checkbox"/> Male <input type="checkbox"/> Female
							<input type="checkbox"/> Male <input type="checkbox"/> Female
							<input type="checkbox"/> Male <input type="checkbox"/> Female
							<input type="checkbox"/> Male <input type="checkbox"/> Female

26. Complete the following with regard to each absence you have had from the United States for a period of six months or less since you entered for permanent residence (if none, write "None").

Ship, airline, railroad or bus company, or other means used to return to the United States.	Returned at (Place or port of entry)	Date departed	Date returned

27. Complete the following with regard to each absence you have had from the United States for a period of six months or more since you entered for permanent residence (if none, write "None").

Ship, airline, railroad or bus company, or other means used to return to the United States.	Returned at (Place or port of entry)	Date departed	Date returned

28. The law provides that you may not be regarded as qualified for naturalization, if you knowingly committed certain offenses or crimes, even though you may not have been arrested. Have you ever, in or outside the United States:

(If you answer "Yes" to a) or b), give the following information as to each incident.)

Where (City, State and Country)	Date of Offense	Nature of Offense	Outcome of case, if any

a) knowingly committed any crime for which you have not been arrested?

☐ Yes ☐ No

b) been arrested, cited, charged, indicted, convicted, fined or imprisoned for breaking or violating any law or ordinance, including traffic regulations?

☐ Yes ☐ No

29. List your present and past membership in or affiliation with every organization, association, fund, foundation, party, club, society or similar group in the United States or in any other place, and your foreign military service (If none, write "None".)

Name of organization	Location of organization	Membership from	Membership to

30. Are you now, or have you ever, in the United States or in any other place, been a member of, or in any other way connected or associated with the Communist Party? (If "Yes", attach full explanation)

☐ Yes ☐ No

31. Have you ever knowingly aided or supported the Communist Party directly, or indirectly through another organization, group or person? (If "Yes", attach full explanation)

☐ Yes ☐ No

32. Do you now or have you ever advocated, taught, believed in or knowingly supported or furthered the interests of Communism? (If "Yes", attach full explanation)

☐ Yes ☐ No

33. During the period March 23, 1933 to May 8, 1945, did you serve in, or were you in any way affiliated with, either directly or indirectly, any military unit, paramilitary unit, police unit, self-defense unit, vigilante unit, citizen unit, unit of the Nazi Party or SS, government agency or office, extermination camp, concentration camp, prisoner of war camp, prison, labor camp, detention camp or transit camp, under the control or affiliated with:

a) the Nazi Government of Germany?

☐ Yes ☐ No

b) any Government in any area occupied by, allied with, or established with the assistance or cooperation of, the Nazi Government of Germany?

☐ Yes ☐ No

34. During the period of March 23, 1933 to May 8, 1945, did you ever order, incite, assist, or otherwise participate in the persecution of any person because of race, religion, national origin, or political opinion?

☐ Yes ☐ No

35. Were you born with, or have you acquired in some way, any title or order of nobility in any foreign state?

☐ Yes ☐ No

36. Have you ever been declared legally incompetent or have you ever been confined as a patient in a mental institution?

☐ Yes ☐ No

37. Are deportation proceedings pending against you, or have you ever been deported or ordered deported, or have you ever applied for suspension of deportation?

☐ Yes ☐ No

38. When was your last federal income tax return filed?

(year) \_\_\_\_\_

39. Since becoming a permanent resident of the United States, have you filed an income tax return as a nonresident? (If "Yes", explain fully).

☐ Yes ☐ No

40. Since becoming a permanent resident of the United States, have you failed to file an income tax return because you regarded yourself as a nonresident? (If "Yes", explain fully).

☐ Yes ☐ No

41. Have you ever claimed in writing, or in any other way, to be a United States citizen? ☐ Yes ☐ No

42. Have you ever deserted from the military, air or naval forces of the United States? ☐ Yes ☐ No

43. Have you ever left the United States to avoid being drafted into the Armed Forces of the United States? ☐ Yes ☐ No

44. Do you believe in the Constitution and form of government of the United States? ☐ Yes ☐ No

45. Are you willing to take the full oath of allegiance to the United States? (See instruction #5) ☐ Yes ☐ No

46. If the law requires it, are you willing to bear arms on behalf of the United States? (If "No", attach a full explanation) ☐ Yes ☐ No

47. If the law requires it, are you willing to perform noncombatant services in the Armed Forces of the United States? (If "No", attach a full explanation) ☐ Yes ☐ No

48. If the law requires it, are you willing to perform work of national importance under civilian direction? (If "No", attach a full explanation) ☐ Yes ☐ No

This block is to be completed by the person preparing form, if other than the applicant.	
I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.	
Signature	
X	
Address	
Telephone Number	Date

49. Did you ever apply for exemption from military service because of alienage, conscientious objections, or other reasons? (If "Yes", attach a full explanation) ☐ Yes ☐ No

50. Did you ever register under United States Selective Service laws or draft laws? (If "Yes", complete the following) ☐ Yes ☐ No

Date registered
Selective Service Number
Local Board Number
Present classification

51. The law provides that you may not be regarded as qualified for naturalization, if, at any time during the period for which you are required to prove good moral character, you have been a habitual drunkard; advocated or practiced polygamy; have been a prostitute or procured anyone for prostitution; have knowingly and for gain helped any alien to enter the United States illegally; have been an illicit trafficker in narcotic drugs or marijuana; have received your income mostly from illegal gambling, or have given false testimony for the purpose of obtaining any benefits under this Act. Have you ever, anywhere, been such a person or committed any of these acts? (If you answer yes to any of these, attach full explanation.) ☐ Yes ☐ No

You may, by law, change your name at the time you are naturalized. If you wish to do so, please print or type that name below, or the name you want your certificate of naturalization issued under.

Signature of Applicant

X

Mailing Address

Telephone Number

Date

Do not fill in blanks below these lines: This application must be sworn to before an officer of the Immigration and Naturalization Service.

#### AFFIDAVIT

I do swear that I know the contents of this application, comprising pages 1 to 4, inclusive, and the supplemental forms thereto,

(Form Numbers \_\_\_\_\_) subscribed to by me; that the same are true to the best of my knowledge and belief, that corrections numbered:

\_\_\_\_\_ to \_\_\_\_\_ were made by me or at my request, and that this application was signed by me with my full, true and correct name, so help me God.

(Complete and true signature of applicant)

(Demonstrate applicant's ability to write English)

Non Filed

(Date, reasons)

Form N-400 (12/05/86) N

Subscribed and sworn to before me by applicant at the preliminary investigation

At

This \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_ I certify that before verification of the above applicant stated in my presence he or she had (heard) read the foregoing application, corrections therein and supplemental form(s) and understood the contents thereof.

(Naturalization Examiner)

APPLICATION TO FILE PETITION FOR  
NATURALIZATION IN BEHALF OF CHILD

Under Section 322 of the Immigration and Nationality Act

Take or Mail to:  
IMMIGRATION AND NATURALIZATION SERVICE,

CHILD'S NAME AND ALIEN REGISTRATION NUMBER

Name .....  
No. ....

Date ....., 19.....

I (We), the undersigned, desire that a petition for naturalization be filed in behalf of my (our) child.

(1) My full, true, and correct name is .....  
(Full, true name of citizen parent or citizen adoptive parent, without abbreviations)

(2) My present place of residence is .....  
(Apt. No.) (Number and street) (City or town) (County) (State) (ZIP Code)

(3) I am a citizen of the United States of America and was born on ..... in .....  
(Month) (Day) (Year) (City, State, and Country)

(If not a native-born citizen) I was naturalized on ..... at .....  
(Month) (Day) (Year) (City and State)

certificate No. ...., or I became a citizen of the United States through .....

(Is the child's other parent a citizen of the United States? ☐ Yes ☐ No)

(Complete (1a) to (3a) only if second parent wishes to join in application)

(1a) My full, true, and correct name is .....  
(Full, true name of second citizen parent or citizen adoptive parent, without abbreviations)

(2a) My present place of residence is .....  
(Apt. No.) (Number and street) (City or town) (County) (State) (ZIP Code)

(3a) I am a citizen of the United States of America and was born on ..... in .....  
(Month) (Day) (Year) (City, State, and Country)

(If not a native-born citizen) I was naturalized on ..... at .....  
(Month) (Day) (Year) (City and State)

certificate No. ...., or I became a citizen of the United States through .....

(4) I am (We are) the parent(s) of .....  
(Full, true name of child, without abbreviations)

in whose behalf this application for naturalization is filed.

(5) The said child now resides with me (us) at .....  
(Apt. No.) (Number and street) (City or town)

....., is ..... and is a citizen, subject, or national of .....  
(County) (State) (ZIP Code) (Married) (Single)

(6) The said child was born on ..... in .....  
(Month) (Day) (Year) (City and Country)

(7) The said child was lawfully admitted to the United States for permanent residence on ..... at .....  
(Month) (Day) (Year)

..... under the name of .....  
(City) (State)

..... and does ..... intend to reside permanently in the United States.

(8) I (We) desire the naturalization court to change the name of the child to .....  
(Give full name desired, without abbreviations)

(9) If application is in behalf of an adopted child:

I (We) adopted said child on ..... in the .....  
(Month) (Day) (Year) (Name of court)

..... at .....  
(City or town) (State) (Country)

The said child has resided continuously in the United States with me (us) in my (our) legal custody since .....  
(Month) (Day) (Year)

- (10) Since such child's lawful admission to the United States for permanent residence, the child has not been absent from the United States at any time except as follows (if none, state "None"): None

DEPARTED FROM THE UNITED STATES		RETURNED TO THE UNITED STATES	
PORT	DATE (MONTH, DAY, YEAR)	PORT	DATE (MONTH, DAY, YEAR)

- (11) Has such child ever been a patient in a mental institution, or ever been treated for a mental illness? ☐ Yes ☐ No
- (12) The law provides that a person may not be regarded as qualified for naturalization under certain conditions, if the person knowingly committed certain offenses or crimes, even though not arrested therefor. Has such child ever in or outside the United States:
- (a) Knowingly committed any crime for which he/she has not been arrested? . . . . . ☐ Yes ☐ No
- (b) Been arrested, charged with violation of any law or ordinance, summoned into court as a defendant, convicted, fined, imprisoned, or placed on probation or parole, or forfeited collateral for any act involving a crime, misdemeanor, or breach of any law or ordinance? . . . . . ☐ Yes ☐ No

If the answer to (a) or (b) is "Yes," on a separate sheet, give the following information as to each incident: when and where occurred, offense involved, and outcome of case if any.

- (13) Are deportation proceedings pending against such child or has such child ever been deported or ordered deported, or has such child ever applied for suspension of deportation or for preexamination? . . . . . ☐ Yes ☐ No
- (14) List the child's membership in every organization, association, fund, foundation, party, club, society, or similar group in the United States and in any other place, during the past ten years, and his foreign military service. (If none, write "None.")

- (a) . . . . ., 19. . . . . to 19. . . . .
- (b) . . . . ., 19. . . . . to 19. . . . .
- (c) . . . . ., 19. . . . . to 19. . . . .
- (d) . . . . ., 19. . . . . to 19. . . . .

- (15) Has such child ever served in the Armed Forces of the United States? . . . . . ☐ Yes ☐ No
- (16) (Answer only if the child is of an understanding age.) If the law requires it, is the child willing to bear arms or perform noncombatant service in the Armed Forces of the United States or perform work of national importance under civilian direction? If "No" explain fully on a separate sheet of paper . . . . . ☐ Yes ☐ No
- (17) Since the child's lawful admission to the United States for permanent residence, my wife (husband) and I have been absent from the United States as follows (if no absences, state "None"):

- (18) My wife (husband) and I have been married as follows (give information as to each marriage):  
(Use extra sheet of paper if necessary.)

DATE MARRIED	DATE MARRIAGE ENDED	NAME OF SPOUSE	HOW MARRIAGE ENDED (Death or divorce)



U.S. DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE

## APPLICATION TO FILE PETITION FOR NATURALIZATION IN BEHALF OF CHILD

PLEASE TEAR OFF THIS SHEET BEFORE SUBMITTING PETITION

### INSTRUCTIONS

This application may be completed by only one citizen parent or citizen adoptive parent of the child to be naturalized, although if the other parent or the other adoptive parent is a citizen and desires to join in such action, he or she may do so. If only one parent or adoptive parent files this application, only that parent will be required to appear to file the petition for naturalization, and to be present at the hearing before the court.

Pages 1, 2 and 3 of this form must be filled out in ink or on the typewriter and signed with your full, true name(s), without abbreviations. UNLESS YOU ANSWER THE ITEMS IN FULL, IT MAY BE NECESSARY TO RETURN THE APPLICATION TO YOU. If you do not have enough space to answer a question completely, add the word "Continued" after the answer in the Application, then finish your answer on a separate sheet of paper this size, and show on that paper the number of the question(s) you are answering, the child's name, and his or her alien registration number.

#### YOU MUST SEND WITH THIS APPLICATION:

**Photographs.**—Three identical unglazed photographs of the child taken within 30 days of the date of this application. These photographs must be 2 by 2 inches in size. No other size should be submitted. The distance from the top of the head to the point of the chin should be approximately 1 1/4 inches. They must not be pasted on a card or mounted in any other way, must be on thin paper, must have a light background, and must clearly show a front view of the child's face without hat. They may be in natural color or in black and white, but black and white photographs which have been tinted or otherwise colored are not acceptable. Machine-made photographs are not acceptable. Do not sign the photographs. Using soft lead pencil to avoid mutilation of photographs, write the child's Alien Registration number lightly on the reverse of photographs, making sure that you place it in the center, away from the edges of the photographs.

#### IF THE CHILD IS 14 YEARS OF AGE OR OLDER, THE FOLLOWING MUST ALSO BE SUBMITTED:

**Fingerprint Chart.**—A record of the child's fingerprints, taken on the fingerprint chart furnished with this application. Write in the child's Alien Registration number on the chart in the space marked "Number," then take it with these instructions to any police station, sheriff's office, or office of the Immigration and Naturalization Service for fingerprinting. The child must then sign the chart in the presence of the officer taking the fingerprints, and the officer must sign his name and title and fill in the date in the space provided. Be sure the card bears the code of the office to which the application will be submitted. Do not bend, fold, or crease the fingerprint chart.

**Biographic Information Form.**—Every item in the biographic information form furnished with this application must be completed, and signed by the child on the line provided.

**Alien Registration Receipt Card.**—It is important that you show in the box on page 1 the name under which the child was registered under the Alien Registration Act of 1940 or a later act and the number exactly as it appears on the Alien Registration Receipt Card. Do not send the child's card with this application.

Authority for collection of the information requested on this form is contained in sections 322, 332, 334 and 335 of the Immigration and Nationality Act of 1952 (8 U.S.C. 1433, 1443, 1445 and 1446). Submission of the information is voluntary inasmuch as the immigration and nationality laws of the United States do not require an alien to apply for naturalization. If your Social Security Number is requested on a form, no right, benefit or privilege will be denied for your failure to provide such number. The principal purpose for which the information is solicited, is to enable designated officers of the Immigration and Naturalization Service to determine the eligibility of a natural or adopted child of a United States citizen parent, to be naturalized. All or part of the information solicited may, as a matter of routine use, be disclosed to courts, exercising naturalization jurisdiction and to other federal, state, local or foreign law enforcement and regulatory agencies, the Department of Defense, including any component thereof, the Department of State, the Department of the Treasury, Central Intelligence Agency, Interpol and individuals and organizations in the processing of the application or petition for naturalization, or during the course of investigation to elicit further information required by the Immigration and Naturalization Service to carry out its functions. Information solicited which indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, may be referred as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating, enforcing or prosecuting such violations. Failure to provide any or all of the solicited information may result in an adverse recommendation to the court as to the child's eligibility for naturalization and denial by the court of the petition for naturalization.

For sale by the Superintendent of Documents, U.S. Government Printing Office  
Washington, D.C. 20402 (Per 100 copies)

(19) A petition for naturalization has ..... previously been filed on behalf of said child on .....  
(not) (Month) (Day) (Year)

at ..... in ..... and denied.  
(City) (County) (State) (Name of court)

(Signature of 1st parent)

(Signature of 2d parent)

(Address of 1st parent)

(Address of 2d parent)

(Telephone No.)

(Date)

(Telephone No.)

(Date)

**SIGNATURE OF PERSON PREPARING FORM, IF OTHER THAN APPLICANT(S)**

I declare that this document was prepared by me at the request of the applicant(s) and is based on all information of which I have any knowledge.

(Signature)

(Address)

(Date)

**TO APPLICANTS: DO NOT WRITE BELOW THESE LINES**

**AFFIDAVIT**

I do swear (affirm) that I know the contents of this application comprising pages 1 to 3, inclusive, subscribed by me; that the same are true to the best of my knowledge and belief; that corrections number ( ) to ( ) were made by me or at my request; and that this application was signed by me with my full, true name.

(Complete and true signature of 1st parent)

(Complete and true signature of 2d parent)

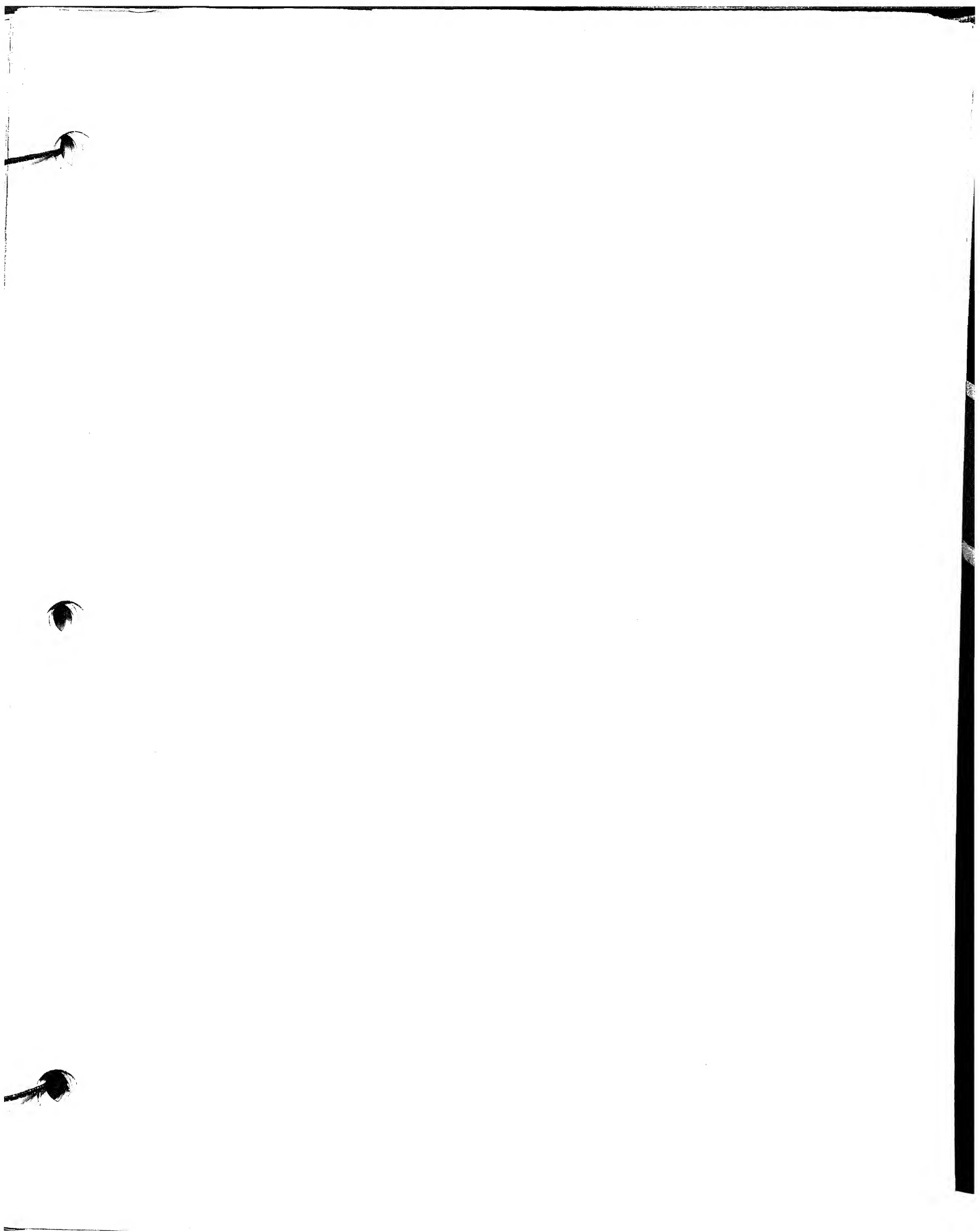
Subscribed and sworn (affirmed) to before me at the preliminary investigation (examination) at ..... this ..... day of ....., 19.....

I certify that before verification the parent(s) stated in my presence that he (she they) had ..... read the  
(heard)  
foregoing application and corrections therein and understood the contents thereof.

(Naturalization Examiner)

Nonfiled .....

(Date, Reasons)



(Tear off this sheet before executing application)

U.S. Department of Justice  
Immigration and Naturalization Service

Application for a New Naturalization  
or Citizenship Paper

OMB No. 1115-0015

INSTRUCTIONS TO THE APPLICANT

(This application is for use by a person who has been issued a Declaration of Intention, a Naturalization or Citizenship or Repatriation Certificate which has been lost, mutilated or destroyed, or by a person whose name has been changed, after the certificate was issued, by marriage or by court order and who desires a new certificate in the changed name.)

**Photographs.**—Submit two identical photographs taken within the past 30 days, in color, or in black and white which is neither tinted nor colored, 2 by 2 inches overall, top of head to point of chin 1 1/4 inches, on thin paper, light background, full front view of face without hat. They must not be machine made or snapshots, and not mounted in any way. Do not sign the photographs but print your name lightly on the back with a pencil.

**Proof of changed name.**—Attach your marriage certificate or court decree changing your name.

**Surrender the original Certificate of Naturalization or Citizenship or Repatriation,** which you still have.

**Submit Proof of Change in your Marital Status,** if it has changed since the certificate was issued.

**Fees.**—A filing fee of fifteen dollars (\$15), which is not refundable, must be paid. **DO NOT MAIL CASH.** Pay by check or money order drawn on a bank or other institution in the United States and payable to the "Immigration and Naturalization Service." When check is drawn on an account of a person other than the applicant, the name of the applicant must be entered on the face of the check. An uncollectible check will render the application and any documents issued pursuant thereto invalid, and a charge of \$5.00 will be imposed.

No fee is required if your declaration of intention or certificate of naturalization was lost, mutilated, or destroyed and the original had been issued to you without fee on the basis of your honorable active service in the Armed Forces during periods of hostilities. If so, submit your honorable discharge certificate.

**Where to submit.**—Send the completed application to the office of the Immigration and Naturalization Service having jurisdiction over your current place of residence.

Authority for collection of the information requested on this form is contained in section 332 of the Immigration and Nationality Act (8 U.S.C. 1443 and 1454.) Submission of the information is voluntary. The principal purpose for requesting the information is for use by an assigned officer of the Immigration and Naturalization Service to determine applicant's eligibility for replacement of or for a new naturalization or citizenship certificate in a changed name. The information requested may, as a matter of routine use, be disclosed to naturalization courts and to other federal, state, local or foreign law enforcement and regulatory agencies, the Department of Defense, including any component thereof, the Selective Service System, the Department of State, the Department of the Treasury, the Department of Transportation, Central Intelligence Agency, Interpol and individuals and organizations in the processing of an application, or during the course of investigation to elicit further information required by the Immigration and Naturalization Service to carry out its functions. Information solicited which indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, may be referred, as a routine use, to the appropriate agency, whether federal, state, local, or foreign, charged with the responsibility of investigating, enforcing or prosecuting such violations. Failure to provide all or any of the requested information may result in disapproval of the application.



U.S. Department of Justice  
Immigration and Naturalization Service

Application for a New Naturalization  
or Citizenship Paper

OMB No. 1115-0015

Fee Stamp

Take or mail to  
IMMIGRATION AND NATURALIZATION SERVICE,

Alien Registration or Certificate No.

I hereby apply for a new: ☐ Certificate of Citizenship ☐ Certificate of Naturalization ☐ Certificate of Repatriation ☐ Declaration of Intention.

(1)(a) My full, true name is \_\_\_\_\_  
(b) The name in which my paper was issued was \_\_\_\_\_  
(c) Other names I have used are \_\_\_\_\_

(2) I now reside at \_\_\_\_\_  
(Apt. No.) (Number and street) (City or town) (County) (State) (Zip Code)

(3) I was born at \_\_\_\_\_ on \_\_\_\_\_  
(City or town) (Country) (Month) (Day) (Year)

(4) I arrived in the United States at \_\_\_\_\_ on \_\_\_\_\_  
(City or town) (State) (Month) (Day) (Year)

(5a) My personal description is: Sex \_\_\_\_\_; complexion \_\_\_\_\_; color of eyes \_\_\_\_\_; color of hair \_\_\_\_\_; height \_\_\_\_\_ feet \_\_\_\_\_ inches; weight \_\_\_\_\_ pounds; visible distinctive marks \_\_\_\_\_; marital status \_\_\_\_\_;

(5b) Country of which I was a citizen, subject, or national \_\_\_\_\_

(6) The naturalization or citizenship paper was issued to me by \_\_\_\_\_  
("Immigration & Naturalization Service" or name of court)  
at \_\_\_\_\_ on \_\_\_\_\_  
(City or town) (County) (State) (Month) (Day) (Year)

(7) (If applicable) Since becoming a citizen, I ☐ have ☐ have not lost my citizenship in any manner.

(8) Since the date the naturalization or citizenship paper was issued to me I have not been absent from the United States for more than six months, except as follows: (If none, state "none.")

DEPARTED FROM THE UNITED STATES			RETURNED TO THE UNITED STATES		
Port	Date (Month, Day, Year)	Vessel, or Other Means of Conveyance	Port	Date (Month, Day, Year)	Vessel, or Other Means of Conveyance

(9) (If applicable) Such paper became ☐ Lost ☐ Mutilated ☐ Destroyed on or about \_\_\_\_\_  
(Month) (Day) (Year)  
at \_\_\_\_\_ under the following circumstances: \_\_\_\_\_  
(City or town) (State or country)

In addition to the above, answer Number 10 if you are applying for a new certificate in a changed name.

(10) My name was changed to my present name by --  
(a) Marriage at \_\_\_\_\_ on \_\_\_\_\_  
(City or town) (County) (State) (Date)  
(b) Decree of \_\_\_\_\_ Court, at \_\_\_\_\_  
(County) (State) (City or town)  
on \_\_\_\_\_  
(Month) (Day) (Year)

Signature of person preparing form, if other than applicant		Signature of Applicant	
I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge. Signature:			
		Mailing Address: Number, Street, City, State, and Zip Code	
Address	Date	Telephone Number	

APPLICANT—Do not fill in or sign anything on this page

**AFFIDAVIT**

I do swear that I know the content of this application signed by me; that the same are true to the best of my knowledge and belief; and that corrections numbered ( ) to ( ) were made by me or at my request.

\_\_\_\_\_  
(Signature of applicant)

Subscribed and sworn to before me by the applicant at \_\_\_\_\_ this  
\_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

\_\_\_\_\_  
(Officer's signature and title)

**EXAMINER'S REPORT**

I have investigated this application and I am satisfied that the applicant is \_\_\_\_\_ the person to whom the original record relates and that the applicant has \_\_\_\_\_ become expatriated subsequent to acquiring United States citizenship, and that the naturalization or citizenship paper described in the application has \_\_\_\_\_ been \_\_\_\_\_

\_\_\_\_\_  
(Lost, mutilated, destroyed, surrendered)

The naturalization or declaration has \_\_\_\_\_ been verified.

Supplemental report is \_\_\_\_\_ attached hereto.

I recommend that the application be \_\_\_\_\_ granted.

\_\_\_\_\_  
(Signature)

Approved: \_\_\_\_\_, 19 \_\_\_\_\_

\_\_\_\_\_  
(Title of officer making report)

\_\_\_\_\_  
(District Director)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Applicant's signature)

\_\_\_\_\_

1

2

3

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

PLEASE DO NOT WRITE IN THIS BLOCK

PETITION TO  
CLASSIFY ORPHAN  
AS AN IMMEDIATE  
RELATIVE

(Section 101(b)(1)(F) of  
the Immigration and  
Nationality Act, as  
amended.)

Fee Stamp

File No.

TO THE SECRETARY OF STATE:

The petition was filed by:

☐ married petitioner ☐ unmarried petitioner

The petition is approved for orphan:

☐ adopted abroad ☐ coming to U.S. for adoption.

Preadoption requirements have been met.

Remarks:

DATE  
OF  
ACTION  
DD  
DISTRICT

TYPE OR PRINT LEGIBLY IN INK. USE A SEPARATE PETITION FOR EACH CHILD.

*Petition is being made to classify the named orphan as an immediate relative.*

BLOCK I.—INFORMATION ABOUT PETITIONER

1. My name is (Last) (First) (Middle) 2. Other names used; (including maiden name if married woman)

3. I reside in the United States at (C/O, if appropriate) (Apt. No.) (Number and street) (Town or city) (State) (Zip Code)

4. Address abroad (if any) (Number and street) (Town or city) (Province) (Country)

5. I was born: (Month) (Day) (Year) In: (Town or city) (State or Province) (Country) 6. My phone number is

7. I am a citizen of the United States ☐ through birth in the U.S. ☐ through parents ☐ through naturalization ☐ through marriage

(1) If acquired through naturalization, give name under which naturalized, number of naturalization certificate, and date and place of naturalization:

(2) If acquired through parentage or marriage, have you obtained a certificate of citizenship in your own name based on that acquisition?

(a) If so, give number of certificate and date and place of issuance.

(b) If not, submit evidence of citizenship in accordance with Instruction 2.a.(2).

Have you or any person through whom you claim citizenship ever lost United States citizenship? If so, attach detailed explanation on separate sheet.

8a. My marital status is ☐ Married ☐ Widowed ☐ Divorced ☐ Single

b. I ☐ Have ☐ Have not been previously married.

c. If you have been previously married, state number of times

9. If you are now married, give the following information:

a. Date and place of present marriage

b. Name of present spouse (include maiden name of wife)

c. Date of birth of spouse (Month) (Day) (Year)

d. Place of birth of spouse (City) (State) (Country)

e. Number of prior marriages of spouse.

f. My spouse resides ☐ with me ☐ apart from me at address (Apt. No.) (No. and street) (City) (State) (Country)

Received	Trans. In	Ret'd-Trans. Out	Completed

A4

Block II.—INFORMATION ABOUT ORPHAN BENEFICIARY				
10. Name at birth (First) _____ (Middle) _____ (Last) _____				
11. Name at present (First) _____ (Middle) _____ (Last) _____		12. Sex _____		
13. Any other names by which orphan is or was known _____		14. Date of birth (City) _____ (State or Province) _____ (Country) _____		
15. The beneficiary is an orphan because: (Check one) <input type="checkbox"/> He/She has no parents <input type="checkbox"/> He/She has only one parent who is the sole or surviving parent.				
16. If the orphan has only one parent, answer the following: a. State what has become of other parent _____ b. Is the remaining parent capable of providing for the orphan's support? <input type="checkbox"/> Yes <input type="checkbox"/> No c. Has the remaining parent, in writing, irrevocably released the orphan for emigration and adoption? <input type="checkbox"/> Yes <input type="checkbox"/> No				
17. a. Has the orphan been adopted abroad by the petitioner and spouse jointly or the unmarried petitioner? <input type="checkbox"/> Yes <input type="checkbox"/> No b. If yes, did the petitioner and spouse or unmarried petitioner personally see and observe the child prior to or during the adoption proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No c. Date and place of adoption _____				
18. If the answer to question 17a or 17b is "No", answer the following: a. Do petitioner and spouse jointly or does the unmarried petitioner intend to adopt the orphan in the United States? <input type="checkbox"/> Yes <input type="checkbox"/> No b. Have the preadoption requirements, if any, of the orphan's proposed state of residence been met? <input type="checkbox"/> Yes <input type="checkbox"/> No c. If no, will they be met later? <input type="checkbox"/> Yes <input type="checkbox"/> No				
19. a. To petitioner's knowledge, does the orphan have any physical or mental affliction? <input type="checkbox"/> Yes <input type="checkbox"/> No b. If yes, name the affliction _____				
20. Who has legal custody of the child? _____				
21. Name of child welfare agency, if any, assisting in this case: _____				
22. Name and address of attorney abroad, if any, representing petitioner in this case: _____				
23. Address in the United States where orphan will reside (Number) _____ (Street) _____ (City) _____ (State) _____ (Zip Code) _____				
24. Present address of orphan (Apartment) _____ (Number) _____ (Street) _____ (City) _____ (State or province) _____ (Country) _____ If orphan is residing in an institution, give full name of institution _____ If orphan is not residing in an institution, give full name of person with whom orphan is residing _____ Give any additional information necessary to locate orphan such as name of district, section, zone or locality in which orphan resides _____				
25. Location of American Consulate where application for visa will be made (City in Foreign Country) _____ (Foreign Country) _____				
CERTIFICATION OF PETITIONER		CERTIFICATION OF MARRIED PETITIONER'S SPOUSE		
I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and that I will care for the beneficiary of this petition properly if the beneficiary is admitted to the United States.  _____ (Signature of Petitioner)  Executed on _____		I certify that my spouse and I will care for the beneficiary of this petition properly if the beneficiary is admitted to the United States.  Date: _____ This _____ day of _____ 19_____ _____ (Signature of Petitioner's Spouse)  Signature of Person Preparing Form, if Other Than Petitioner. I declare that this document was prepared by me at the request of the Petitioner and is based on all information of which I have any knowledge. Signature: _____ Address: _____ Date: _____		

PETITION TO CLASSIFY ORPHAN AS AN IMMEDIATE RELATIVE

INSTRUCTIONS

1. ELIGIBILITY.

- a. *Child.* Under immigration law, an orphan is an alien child who has no parents because of the death or disappearance of, abandonment or desertion by, or separation or loss from both parents. An orphan is also a child who has only one parent who is not capable of taking care of the orphan and has, in writing, irrevocably released the orphan for emigration and adoption. A petition to classify an alien as an orphan may not be filed in behalf of a child in the United States unless that child is in parole status and has not been adopted in the United States. The petition must be filed before the child's sixteenth birthday.
- b. *Parent(s).* The petition may be filed by a married United States citizen and spouse or unmarried United States citizen at least twenty-five years of age. The spouse does not need to be a United States citizen.
- c. *Adoption abroad.* If the orphan was adopted abroad, it must be established that both the married petitioner and spouse or the unmarried petitioner personally saw and observed the child prior to or during the adoption proceedings. The adoption decree must show that a married petitioner and spouse adopted the child jointly or that an unmarried petitioner was at least twenty-five years of age at the time of the adoption.
- d. *Proxy adoption abroad.* If both the petitioner and spouse or the unmarried petitioner did not personally see and observe the child prior to or during the adoption proceedings abroad, the petitioner (and spouse, if married) must submit a statement indicating the petitioner's (and, if married, the spouse's) willingness and intent to readopt the child in the United States. If requested, the petitioner must submit a statement by an official of the state in which the child will reside that readoption is permissible in that state. In addition, evidence of compliance with the preadoption requirements, if any, of that state must be submitted.
- e. *Preadoption requirements.* If the orphan has not been adopted abroad, the petitioner and spouse or the unmarried petitioner must establish that the child will be adopted in the United States by the petitioner and spouse jointly or by the unmarried petitioner and that the preadoption requirements, if any, of the state of the orphan's proposed residence have been met.

2. FILING PETITION FOR KNOWN CHILD. An orphan petition for a child who has been identified must be submitted on a completed Form I-600 with the certification of petitioner executed and the required fee. If the petitioner is married, the Form I-600 must also be signed by the petitioner's spouse. The petition must be accompanied by the following:

- a. Proof of United States citizenship of the petitioner.
  - (1) If the petitioner is a citizen by reason of birth in the United States, submit the petitioner's birth certificate, or if birth certificate is unobtainable, a copy of petitioner's baptismal certificate under seal of the church, showing place of birth, (baptism must have occurred within 2 months after birth), or if birth or baptismal certificate cannot be obtained, affidavits of two United States citizens who have personal knowledge of petitioner's birth in the United States.
  - (2) If the petitioner was born outside the United States and became a citizen through the naturalization or citizenship of a parent or husband and has not been issued a certificate of citizenship in his/her own name, submit evidence of the citizenship and marriage of the parent or husband, as well as termination of any prior marriages. Also, if petitioner claims citizenship through a parent, submit petitioner's birth certificate and a separate statement showing the date, port, and means of all his/her arrivals and departures into and out of the United States.
  - (3) If petitioner's naturalization occurred within 90 days immediately preceding the filing of this petition, or if it occurred prior to September 27, 1906, the naturalization certificate must accompany the petition.

AN UNEXPIRED U.S. PASSPORT VALID FOR FIVE YEARS MAY ALSO BE SUBMITTED.

- b. *Proof of marriage of petitioner and spouse.*  
The married petitioner should submit a certificate of the marriage and proof of termination of all prior marriages of himself/herself and spouse. In the case of an unmarried petitioner who was previously married, submit proof of termination of all prior marriages. NOTE: IF ANY CHANGE OCCURS IN THE PETITIONER'S MARITAL STATUS WHILE THE CASE IS PENDING, THE DISTRICT DIRECTOR SHOULD BE NOTIFIED IMMEDIATELY.
- c. *Proof of age of orphan.*  
Petitioner should submit certificate of orphan's birth if obtainable; if not obtainable, submit an explanation together with the best available evidence of birth.
- d. *Death certificate(s) of the child's parent(s), if applicable.*
- e. *A certified copy of adoption decree together with certified translation, if the orphan has been lawfully adopted abroad.*
- f. *Evidence that the sole or surviving parent is incapable of providing for the orphan's care and has in writing irrevocably released the orphan for emigration and adoption, if the orphan has only one parent.*
- g. *Evidence that the orphan has been unconditionally abandoned to an orphanage, if the orphan has been placed in an orphanage by his/her parent or parents.*
- h. *Evidence that the preadoption requirements, if any, of the state of the orphan's proposed residence have been met, if the child is to be adopted in the United States. If it is not possible to submit this evidence upon initial filing of the petition under the laws of the state of proposed residence, it may be submitted later. The petition, however, will not be approved without it.*
- i. *A home study with a statement or attachment recommending or approving of the adoption or proposed adoption signed by an official of the responsible state agency in the state of the child's proposed residence or of an agency authorized by that state, or, in the case of a child adopted abroad, of an appropriate public or private adoption agency which is licensed in the United States. Both individuals and organizations may qualify as agencies. If the recommending agency is a licensed agency, the recommendation must set forth that it is licensed, the state in which it is licensed, its license number, if any, and the period of validity of its license. The research, including interviewing, however, and the preparation of the home study may be done by an individual or group in the United States or abroad satisfactory to the recommending agency. A responsible state agency or licensed agency can accept a home study made by an unlicensed or foreign agency and use that home study as a basis for a favorable recommendation. The home study must contain, but is not limited to, the following elements:*
  - (1) The financial ability of the adoptive or prospective parent or parents to rear and educate the child.
  - (2) A detailed description of the living accommodations where the adoptive or prospective parent or parents currently reside.
  - (3) A detailed description of the living accommodations where the child will reside.
  - (4) A factual evaluation of the physical, mental, and moral capabilities of the adoptive or prospective parent or parents in relation to rearing and educating the child.
- j. *Fingerprints.*  
Completed fingerprint cards (Forms FD-258) must be submitted by both the married petitioner and spouse or by the unmarried petitioner. The cards are available at any office of the Immigration and Naturalization Service. The fingerprints may be recorded on Forms FD-258 by Service employees, other law enforcement officers, Service outreach centers, charitable and voluntary agencies, and any other reputable persons or organizations.

3. **FILING PETITION FOR KNOWN CHILD WITHOUT FULL DOCUMENTATION ON CHILD OR HOME STUDY.** When a child has been identified but the documentary evidence relating to him/her or the home study is not yet available, an orphan petition may be filed without that evidence or home study. The evidence outlined in Instructions 2a, 2b, and 2j, however, must be submitted. If the necessary evidence relating to the child or the home study is not submitted within one year from the date of submission of the petition, the petition will be considered abandoned, and the fee will not be refunded. Any further proceedings will require the filing of a new petition.

4. **SUBMITTING AN APPLICATION FOR ADVANCE PROCESSING OF AN ORPHAN PETITION IN BEHALF OF A CHILD WHO HAS NOT BEEN IDENTIFIED.** A prospective petitioner may request advance processing when the child has not been identified or when the prospective petitioner and/or spouse are/is going abroad to locate or adopt a child. If unmarried, the prospective petitioner must be at least twenty-four years of age provided that he/she will be at least twenty-five at the time of the adoption and when the completed petition in behalf of a child is filed. The request must be on Form I-600A, Application for Advance Processing of Orphan Petition, and must be accompanied by the evidence required by that form. After a child or children are located and/or identified, a separate Form I-600, Petition to Classify Orphan as an Immediate Relative, must be filed for each child. A new fee is not required if only one Form I-600 is filed, if it is filed within one year of completion of all advance processing in a case where there has been a favorable determination concerning the prospective petitioner's ability to care for a beneficiary orphan. Normally, Form I-600 should be submitted to the office of this Service where the advance processing application was filed. A prospective petitioner who is going abroad to adopt or locate a child in a country other than Austria, Germany, Greece, Italy, Korea, the Philippines, Hong Kong, Mexico, Singapore, Uruguay, or Thailand, however, should file Form I-600 at the American consulate or embassy having jurisdiction over the place where the child is residing or will be located unless the case is being retained at the stateside office. A prospective petitioner who is going abroad to adopt or locate a child in Austria, Germany, Greece, Italy, Korea, the Philippines, Singapore, Hong Kong, Mexico, Uruguay, or Thailand should file Form I-600 at the Service office having jurisdiction over the place where the child is residing or will be located unless the case is being retained at the stateside office. The case may be retained at the stateside office if the petitioner requests it and it appears that the case will be processed more quickly that way.

5. **DOCUMENTS IN GENERAL.** All supporting documents must be originals or official copies of the original records issued by and bearing the seals of the official custodians of the records. If return of the originals is desired and if copies are by law permitted to be made, photostatic or typewritten copies may be submitted. A photostatic copy unaccompanied by the original may be accepted if the copy bears a certification by an immigration or consular officer that the copy was compared with the original and found to be identical. Any document in a foreign language must be accompanied by a translation in English. The translator must certify that he/she is competent to translate and that the translation is accurate. **DO NOT MAKE A PHOTOSTAT OF A CERTIFICATE OF NATURALIZATION OR CITIZENSHIP.**

6. **SUBMISSION OF PETITION.** A petitioner residing in the United States should send the completed petition to the office of this Service

having jurisdiction over his/her place of residence. A petitioner residing outside the United States should consult the nearest American consulate or embassy for the office of this Service or American consulate or embassy designated to act on the petition.

7. **FEE.** Read instructions carefully. A fee of fifty dollars (\$50) must be paid for filing this petition. It cannot be refunded regardless of the action taken on the petition. **DO NOT MAIL CASH. ALL FEES MUST BE SUBMITTED IN THE EXACT AMOUNT.** Payment by check or money order must be drawn on a bank or other institution located in the United States and be payable in United States currency. If petitioner resides in Guam, check or money order must be payable to the "Treasurer, Guam." If petitioner resides in the Virgin Islands, check or money order must be payable to the "Commissioner of Finance of the Virgin Islands." All other petitioners must make the check or money order payable to the "Immigration and Naturalization Service." When a check is drawn on the account of a person other than the petitioner, the name of the petitioner must be entered on the face of the check. If petition is submitted from outside the United States, remittance may be made by bank international money order or foreign draft drawn on a financial institution in the United States and payable to the Immigration and Naturalization Service in United States currency. Personal checks are accepted subject to collectibility. An uncollectible check will render the petition and any document issued pursuant to it invalid. A charge of \$5.00 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn. **WHEN MORE THAN ONE PETITION IS SUBMITTED BY THE SAME PETITIONER IN BEHALF OF ORPHANS WHO ARE BROTHERS AND/OR SISTERS, ONLY ONE FEE WILL BE REQUIRED.**

8. **ASSISTANCE.** Assistance may be obtained from a recognized social agency or from any public or private agency. The following recognized social agencies, which have offices in many of the principal cities of the United States, have agreed to furnish assistance:

American Branch of International Social Services, Inc.  
345 East 46th Street  
New York, New York 10017

Greek Archdiocese of North and South America  
18 East 79th Street  
New York, New York 10021

United HIAS Service, Inc.  
208 Park Avenue South  
New York, New York 10003

Catholic Committee for Refugees  
United States Catholic Conference  
281 Park Avenue South  
New York, New York 10003

Church World Service, Inc.  
475 Riverside Drive  
New York, New York 10027

9. **PENALTIES.** Willful false statements on this form or supporting documents can be punished by fine or imprisonment. U.S. Code, Title 18, Sec. 1001 (Formerly Sec. 80).

10. **AUTHORITY.** 8 USC 1154(a). Routine uses for disclosure under the Privacy Act of 1974 have been published in the Federal Register and are available upon request. The Immigration and Naturalization Service will use the information to determine immigrant eligibility. Submission of the information is voluntary, but failure to provide any or all of the information may result in denial of the petition.

\_\_\_\_\_



\_\_\_\_\_

★ U.S.GPO:1967-O-169-462

Approval expires 4-30-85

**PENALTIES: SEVERE PENALTIES ARE PROVIDED BY LAW FOR KNOWINGLY AND WILLFULLY FALSIFYING OR CONCEALING A MATERIAL FACT.**

COMPLETE THIS BOX (Family name)	(Given name)	(Middle name)	(Alien registration number)

A4

\_\_\_\_\_

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2

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\_\_\_\_\_

(Please tear off this sheet before  
submitting application)

OMB No. 1115-0088  
Expires 3-31-85

U.S. Department of Justice  
Immigration and Naturalization Service

**APPLICATION FOR VERIFICATION OF INFORMATION FROM  
IMMIGRATION AND NATURALIZATION SERVICE RECORDS**

**INSTRUCTIONS**

Failure to comply with instructions may make it necessary to reject your application.

1. **APPLICATION.** Form G-641 shall be used where it is requested that verification of age or date of birth, naturalization or citizenship, and genealogical information be provided to a person or organization. The form shall also be used for any other requests where the information is to be furnished directly to another Government agency or Court.

2. **IDENTIFICATION OF THE RECORD.** The personal data requested in items 5 thru 19 should relate to the individual from whose record the information is sought. It should be complete and as accurate as possible.

3. **CONSENT REQUIRED.** The subject of an INS record may consent in writing to another person's obtaining information to which the subject would be entitled. A block is provided in the application form where such consent is shown. If the record subject is deceased, a death certificate and/or statement of the requester's right of access to the records may be required.

4. **IDENTIFICATION OF REQUESTER.** INS regulations implementing the Privacy Act of 1974, P.L. 93-579, require that a United States citizen or an alien lawfully admitted for permanent residence who is seeking access to records about himself or herself, or consenting to disclosure from records about himself or herself, shall establish identity before access or disclosure may be granted. Such an individual appearing in person may identify himself or herself by showing a document bearing a photograph (such as an Alien Registration Card, Form I-151 or I-551, Citizen Identification Card, Form I-197, Naturalization Certificate, or passport); or two items which bear his or her name and address (such as driver's license or credit card). By mail, such an individual shall identify himself or herself by signature, address, date and place of birth, alien or employee identification number (if any), and one other identifier such as a photocopy of a document bearing name, address, and signature. If the above mentioned identification is not available, Form G-652, Privacy Act Affidavit of Identity, or similar Department of Justice form may be used. Identification is not required if the information requested is contained in a public record such as naturalization proceeding.

5. **FEES (a) Basic Charges.** A fee of \$15.00 shall be charged for the filing of each application. The fee is not returnable. When the information requested relates to two or more persons a separate form shall be filed on each individual with accompanying fee.

(b) **Certifications.** In addition to the basic fee of \$15.00, a fee of \$2.00 is required for each certification of a record, (see instruction No. 8), whether it is to be under seal or not under seal.

(c) **Manner of submission.** If this application is mailed DO NOT SEND CASH, ALL FEES MUST BE SUBMITTED IN THE EXACT AMOUNT. Attach a check or a United States postal money order (or, if application is submitted from outside the United States, remittance may be made by bank international money order or foreign draft drawn on a financial institution in the United States), made payable to the "Immigration and Naturalization Service" in United States currency. An applicant residing in the U.S. Virgin Islands shall make his remittance payable to "Commissioner of Finance of the Virgin Islands" and if residing in Guam, to "Treasurer, Guam." Personal checks are accepted subject to collectibility. An uncollectible check will render the application and any documents issued pursuant thereto invalid. A charge of \$5.00 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn.

6. **NATURALIZATION RECORDS.** Records of naturalization may be obtained directly from the clerk of the court in which the person was naturalized. INS also maintains records of naturalization created on and after September 27, 1906.

7. **ARRIVAL RECORDS.** Records of arrival prior to 1891 are not available from INS. Some passenger lists of the Bureau of Customs dating from 1820 are maintained by the Central Reference Section, the National Archives, Washington, D.C. 20408. Inquiries concerning these records should not be made on this form but should be forwarded directly to the National Archives with sufficient information for an adequate search, i.e., approximate dates of travel, name under which the person arrived, name of vessel, and port of entry and embarkation.

INS has records of arrivals at the port of New York since June 16, 1897, and at certain other ports since 1891. Our records of arrival prior to July 1, 1924, do not contain birthdates but merely show age at time of entry.

8. **CERTIFICATES OF NATURALIZATION RECORDS.** Section 343(e) of the Immigration and Nationality Act authorizes the Attorney General to make and issue certifications of any part of the naturalization records of any court, or of any certificate of naturalization or citizenship, for use in complying with any statute, state or federal, or in any judicial proceeding. If such certification is required, block No. 1 should contain a listing of the specific information desired followed by the phrase: "in certification form" or the phrase: "in certification form under seal." If the space provided is insufficient, attach an additional sheet of paper. If the certification is required for use in complying with a statute, the relevant statute should be cited or described clearly in block No. 2. If a certification is required for use in a judicial proceeding, attach a separate sheet of paper, listing the title and character of the proceedings, the court in which it is pending and the specific use to which the certification will be put.

9. **CERTIFICATION OF BIRTH DATA FROM IMMIGRATION AND NATURALIZATION RECORDS.** A Certificate of Birth Data may be issued for the basic fee of \$15.00 to foreign-born children under twenty-one years of age who:

(a) Have been admitted to the United States for permanent residence, whether or not they have since become naturalized, or

(b) Are citizens of the United States and have been issued a Certificate of Citizenship by INS. The parent, guardian, or other adult having a legitimate interest in a person who is under fourteen years of age may file an application on such person's behalf. A person between the ages of 14 and 21 may apply for such a certification on his own behalf.

Where documentary evidence is presented to show the child's name has been legally changed, the certification may be issued in the child's new name.

10. **PRIVACY ACT INFORMATION.** The authority for collecting the information requested on this form is contained in 8 U.S.C. 1103(a). Submission of the information solicited, including the social security number, is voluntary. The purpose for which the information is solicited is to identify the records or information which is to be verified according to applicant's request. Failure to provide any or all of the solicited information may result in delay or inability to make the requested verification.

For sale by the Superintendent of Documents, U.S. Government Printing Office  
Washington, D.C. 20402

UNITED STATES DEPARTMENT OF JUSTICE  
Immigration and Naturalization Service

OMB No. 1115-0048  
Expires 3-31-85

APPLICATION FOR  
VERIFICATION OF INFORMATION FROM  
IMMIGRATION AND NATURALIZATION SERVICE  
RECORDS

TYPE OR PRINT THE NAME AND MAILING ADDRESS OF THE PERSONS TO WHOM  
INFORMATION OR COPIES OF RECORD SHOULD BE RETURNED IN THE BOX BELOW:

NAME	
STREET ADDRESS	
CITY, STATE ZIP CODE	

Fee Stamp

PERSON CONSENTING  
NAME AND ADDRESS

SIGNATURE OF PERSON CONSENTING

1. CHECK TYPE OF VERIFICATION REQUESTED: <input type="checkbox"/> LAWFUL ADMISSION FOR PERMANENT RESIDENCE <input type="checkbox"/> AGE OR DATE OF BIRTH <input type="checkbox"/> NATURALIZATION OR CITIZENSHIP <input type="checkbox"/> GENEALOGICAL INFORMATION (See instructions 6a and 7.) <input type="checkbox"/> OTHER (CERTIFICATE OF BIRTH DATA, ETC.)	2. STATE PURPOSE FOR WHICH DESIRED	3. NUMBER OF COPIES DESIRED, IF ANY:
	2A. NAMES OF BENEFICIARIES	4. IF INFORMATION IS FOR SOCIAL SECURITY BENEFITS, SHOW SOCIAL SECURITY NUMBER:

DATA FOR IDENTIFICATION OF THE RECORD TO BE VERIFIED

5. FAMILY NAME	GIVEN NAME	MIDDLE NAME	6. ALIEN REGISTRATION NUMBER
7. OTHER NAMES USED, IF ANY		8. NAME USED AT TIME OF ENTRY INTO UNITED STATES	
9. PLACE OF BIRTH	10. DATE OF BIRTH	11. PORT ABROAD FROM WHICH LEFT FOR UNITED STATES	
12. PORT OF ENTRY INTO UNITED STATES	13. DATE OF ENTRY	14. NAME OF VESSEL OR OTHER MEANS OF ENTRY	

GIVE THE FOLLOWING FORMATION FOR VERIFICATION OF NATURALIZATION OR CERTIFICATE OF CITIZENSHIP

15. NAME ON CERTIFICATE	16. CERTIFICATE NUMBER	17. DATE ISSUED
18. ADDRESS WHEN CERTIFICATE WAS ISSUED		19. NAME AND LOCATION OF NATURALIZATION COURT OR IMMIGRATION OFFICE ISSUING CERTIFICATE OF CITIZENSHIP

DO NOT COMPLETE THIS BLOCK —  
RESERVED FOR GOVERNMENT USE ONLY

20. SIGNATURE OF APPLICANT

THE RECORDS OF THE IMMIGRATION AND NATURALIZATION SERVICE REFLECT THE FOLLOWING:  
VERIFICATION OF INFORMATION REQUESTED WAS MADE ON THIS DATE SHOWN AT RIGHT

DATE:

<input type="checkbox"/> LAWFUL ADMISSION FOR PERMANENT RESIDENCE ON _____ AT _____ CLASS _____
<input type="checkbox"/> NATURALIZATION INFORMATION AS SHOWN ABOVE IS CORRECT.
<input type="checkbox"/> NATURALIZATION IN (COURT) _____ ON (DATE) _____
<input type="checkbox"/> AT (LOCATION) _____
<input type="checkbox"/> DATE OF BIRTH _____
<input type="checkbox"/> ARRIVAL RECORD DATED _____ SHOWED SUBJECT'S AGE AT TIME TO BE _____
<input type="checkbox"/> UNABLE TO IDENTIFY ANY RECORD
<input type="checkbox"/> COPIES ATTACHED AS REQUESTED
<input type="checkbox"/> CERTIFICATE OF CITIZENSHIP IN (OFFICE) _____
ON (DATE) _____
SIGNATURE _____
TITLE _____

PRIVACY ACT

☐ IDENTITY ESTABLISHED IN PERSON

Approved By:

DATE

IDENTIFICATION

(WHEN REQUIRED)

DOCUMENTS  
ATTACHED

☐ G-652 Affidavit

☐ OTHER (List)

UNITED STATES DEPARTMENT OF JUSTICE  
Immigration and Naturalization Service

OMB No. 1115-0188  
Expires 3-31-85

APPLICATION FOR  
VERIFICATION OF INFORMATION FROM  
IMMIGRATION AND NATURALIZATION SERVICE  
RECORDS

TYPE OR PRINT THE NAME AND MAILING ADDRESS OF THE PERSONS TO WHOM  
INFORMATION OR COPIES OF RECORD SHOULD BE RETURNED IN THE BOX BELOW:

NAME	
STREET ADDRESS	
CITY, STATE ZIP CODE	

Fee Stamp

PERSON CONSENTING  
NAME AND ADDRESS

SIGNATURE OF PERSON CONSENTING

1. CHECK TYPE OF VERIFICATION REQUESTED: <input type="checkbox"/> LAWFUL ADMISSION FOR PERMANENT RESIDENCE <input type="checkbox"/> AGE OR DATE OF BIRTH <input type="checkbox"/> NATURALIZATION OR CITIZENSHIP <input type="checkbox"/> GENEALOGICAL INFORMATION (See instructions 6b and 7.) <input type="checkbox"/> OTHER (CERTIFICATE OF BIRTH DATA, ETC.)	2. STATE PURPOSE FOR WHICH DESIRED	3. NUMBER OF COPIES DESIRED, IF ANY:
	2A. NAMES OF BENEFICIARIES	4. IF INFORMATION IS FOR SOCIAL SECURITY BENEFITS, SHOW SOCIAL SECURITY NUMBER:

DATA FOR IDENTIFICATION OF THE RECORD TO BE VERIFIED

5. FAMILY NAME	GIVEN NAME	MIDDLE NAME	6. ALIEN REGISTRATION NUMBER
7. OTHER NAMES USED, IF ANY		8. NAME USED AT TIME OF ENTRY INTO UNITED STATES	
9. PLACE OF BIRTH	10. DATE OF BIRTH	11. PORT ABROAD FROM WHICH LEFT FOR UNITED STATES	
12. PORT OF ENTRY INTO UNITED STATES	13. DATE OF ENTRY	14. NAME OF VESSEL OR OTHER MEANS OF ENTRY	

GIVE THE FOLLOWING FORMATION FOR VERIFICATION OF NATURALIZATION OR CERTIFICATE OF CITIZENSHIP

15. NAME ON CERTIFICATE	16. CERTIFICATE NUMBER	17. DATE ISSUED
18. ADDRESS WHEN CERTIFICATE WAS ISSUED		19. NAME AND LOCATION OF NATURALIZATION COURT OR IMMIGRATION OFFICE ISSUING CERTIFICATE OF CITIZENSHIP

DO NOT COMPLETE THIS BLOCK —  
RESERVED FOR GOVERNMENT USE ONLY

20. SIGNATURE OF APPLICANT

THE RECORDS OF THE IMMIGRATION AND NATURALIZATION SERVICE REFLECT THE FOLLOWING:  
VERIFICATION OF INFORMATION REQUESTED WAS MADE ON THIS DATE SHOWN AT RIGHT

DATE:

<input type="checkbox"/> LAWFUL ADMISSION FOR PERMANENT RESIDENCE ON _____ AT _____ CLASS _____
<input type="checkbox"/> NATURALIZATION INFORMATION AS SHOWN ABOVE IS CORRECT.
<input type="checkbox"/> NATURALIZATION IN (COURT) _____ ON (DATE) _____
<input type="checkbox"/> AT (LOCATION) _____
<input type="checkbox"/> DATE OF BIRTH _____
<input type="checkbox"/> ARRIVAL RECORD DATED _____ SHOWED SUBJECT'S AGE AT TIME TO BE _____
<input type="checkbox"/> UNABLE TO IDENTIFY ANY RECORD
<input type="checkbox"/> COPIES ATTACHED AS REQUESTED
<input type="checkbox"/> CERTIFICATE OF CITIZENSHIP IN (OFFICE) _____
ON (DATE) _____
SIGNATURE _____
TITLE _____

Approved By:

DATE

PRIVACY ACT	<input type="checkbox"/> IDENTITY ESTABLISHED IN PERSON
IDENTIFICATION (WHEN REQUIRED)	DOCUMENTS ATTACHED <input type="checkbox"/> G-852 Affidavit <input type="checkbox"/> OTHER (List)

UNITED STATES DEPARTMENT OF JUSTICE  
Immigration and Naturalization Service

OMB No. 1115-0088  
Expires 3-31-85

APPLICATION FOR  
VERIFICATION OF INFORMATION FROM  
IMMIGRATION AND NATURALIZATION SERVICE  
RECORDS

TYPE OR PRINT THE NAME AND MAILING ADDRESS OF THE PERSONS TO WHOM  
INFORMATION OR COPIES OF RECORD SHOULD BE RETURNED IN THE BOX BELOW:

NAME	
STREET ADDRESS	
CITY, STATE ZIP CODE	

Fee Stamp

PERSON CONSENTING NAME AND ADDRESS
SIGNATURE OF PERSON CONSENTING

1. CHECK TYPE OF VERIFICATION REQUESTED: <input type="checkbox"/> LAWFUL ADMISSION FOR PERMANENT RESIDENCE <input type="checkbox"/> AGE OR DATE OF BIRTH <input type="checkbox"/> NATURALIZATION OR CITIZENSHIP <input type="checkbox"/> GENEALOGICAL INFORMATION (See instructions #6 and 7.) <input type="checkbox"/> OTHER (CERTIFICATE OF BIRTH DATA, ETC.)	2. STATE PURPOSE FOR WHICH DESIRED	3. NUMBER OF COPIES DESIRED, IF ANY:
	2A. NAMES OF BENEFICIARIES	4. IF INFORMATION IS FOR SOCIAL SECURITY BENEFITS, SHOW SOCIAL SECURITY NUMBER:

DATA FOR IDENTIFICATION OF THE RECORD TO BE VERIFIED

5. FAMILY NAME	GIVEN NAME	MIDDLE NAME	6. ALIEN REGISTRATION NUMBER
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12. PORT OF ENTRY INTO UNITED STATES	13. DATE OF ENTRY	14. NAME OF VESSEL OR OTHER MEANS OF ENTRY	

GIVE THE FOLLOWING FORMATION FOR VERIFICATION OF NATURALIZATION OR CERTIFICATE OF CITIZENSHIP

15. NAME ON CERTIFICATE	16. CERTIFICATE NUMBER	17. DATE ISSUED
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DO NOT COMPLETE THIS BLOCK —  
RESERVED FOR GOVERNMENT USE ONLY

THE RECORDS OF THE IMMIGRATION AND NATURALIZATION SERVICE REFLECT THE FOLLOWING:  
VERIFICATION OF INFORMATION REQUESTED WAS MADE ON THIS DATE SHOWN AT RIGHT

DATE:

<input type="checkbox"/> LAWFUL ADMISSION FOR PERMANENT RESIDENCE ON _____ AT _____ CLASS _____
<input type="checkbox"/> NATURALIZATION INFORMATION AS SHOWN ABOVE IS CORRECT.
<input type="checkbox"/> NATURALIZATION IN (COURT) _____ ON (DATE) _____
<input type="checkbox"/> AT (LOCATION) _____
<input type="checkbox"/> DATE OF BIRTH _____
<input type="checkbox"/> ARRIVAL RECORD DATED _____ SHOWED SUBJECT'S AGE AT TIME TO BE _____
<input type="checkbox"/> UNABLE TO IDENTIFY ANY RECORD
<input type="checkbox"/> COPIES ATTACHED AS REQUESTED
<input type="checkbox"/> CERTIFICATE OF CITIZENSHIP IN (OFFICE) _____ SIGNATURE _____
ON (DATE) _____ TITLE _____

PRIVACY ACT

☐ IDENTITY ESTABLISHED IN PERSON

IDENTIFICATION  
(WHEN REQUIRED)

DOCUMENTS  
ATTACHED

☐ G-652 Affidavit

☐ OTHER (List)

Approved By:

DATE



A4 

I-687 Instructions - Page 1  
(Conditions of Application)

**Please carefully read all of the instructions: The fee will not be refunded.**

Failure to follow instructions may require return of your application and delay final action. If your application is returned, no further action will be taken. You must resubmit your application with the requested documentation or information to renew processing.

Applications for status as a temporary resident as 1) an alien who illegally entered the United States prior to January 1, 1982 or 2) an alien who entered the United States as a nonimmigrant prior to January 1, 1982 and whose authorized stay expired before such date or whose unlawful status was known to the Immigration and Naturalization Service as of January 1, 1982 must be submitted or resubmitted by May 4, 1988. Failure to do so will make the applicant ineligible for the benefit sought.

**1. Preparation of Application:** A separate application for each applicant must be typewritten or printed legibly in ink. Applications by family members must be submitted together in order to receive the reduced family fee structure identified in item #5 of the instructions. The application must be completed in full. If extra space is needed to answer any item, attach a continuation sheet and indicate the item number. Various organizations and individuals (Qualified Designated Entities) have been designated by the Attorney General to assist applicants in the preparation of their applications. Your application must be submitted to the Immigration Legalization Office having jurisdiction over your place of residence.

**2. Eligibility:** An application may be filed by any alien who would qualify within the following guidelines. If you are not certain that you would qualify, you may contact a Qualified Designated Entity near your place of residence or an Immigration Legalization Office in your area. *The following aliens may be eligible for temporary resident status.*

- (a) An alien who can establish that he/she entered the United States before January 1, 1982 and that he/she has resided continuously in the United States in an unlawful status since such date.

- (b) An alien who entered the United States as a nonimmigrant prior to January 1, 1982 and whose authorized stay expired before such date or whose unlawful status was known to the Government as of January 1, 1982 and who has resided continuously in the United States in an unlawful status since such date.

In order to be eligible for Temporary Resident status under paragraphs (a) and (b), the applicant must have been continuously physically present in the United States since the date of enactment of the Immigration Reform and Control Act of 1986 (November 6, 1986).

**3. Ineligible Classes:** The following classes of aliens are ineligible for temporary residence.

- (a) An alien who has been convicted of a felony or three or more misdemeanors committed in the United States.
- (b) An alien who has assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion.
- (c) An alien who at any time was a nonimmigrant exchange visitor who is subject to the two-year foreign residence requirement unless the requirement has been satisfied or waived pursuant to the provisions of Section 212(e) of the Act.

**4. Penalties for False Statements in Applications:** Whoever files an application for adjustment of status under Section 245A of the Act and who knowingly and willfully falsifies, misrepresents, conceals or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry will be subject to criminal prosecution and/or deportation.

**Authority for Collecting this Information:** The authority to prescribe this form is contained in the "Immigration Reform and Control Act of 1986." The information is necessary to determine whether a person is eligible for the immigration benefit sought. Information on race is requested in question #10 for statistical purposes only. You do not have to give this information. All other questions must be answered. Failure to do so may result in the denial of the application.

**Confidentiality:** The information provided in this application is confidential and may only be used to make a determination on the application or for enforcement of the penalties for false statements referred to in instruction #4. The information provided is subject to verification by the Immigration and Naturalization Service.

**5. Fees:** A fee of one hundred eighty-five dollars (\$185.00) for each application, or fifty dollars (\$50.00) for each application for a minor child (under 18 years of age) is required at the time of filing with the Immigration and Naturalization Service. The maximum amount payable by a family (husband, wife, and any minor children) shall be four hundred twenty dollars (\$420.00). The fee is not refundable regardless of the action taken on the application. A separate cashier's check or money order must be submitted for each application. *All fees must be submitted in the exact amount.* No cash or personal checks will be accepted. The cashier's check or money order must be made payable to "Immigration and Naturalization Service" unless applicant resides in the Virgin Islands or Guam. (Applicants residing in the Virgin Islands make cashier's checks or money orders payable to "Commissioner of Finance of the Virgin Islands". Applicants residing in Guam make cashier's check or money order payable to "Treasurer, Guam".)

**6. Photographs:** Submit two (2) color photographs of yourself taken within thirty (30) days of the date of this application. These photos must have a white background, be glossy, unretouched, and not mounted; dimension of facial image should be about one inch from chin to top of hair; you should be shown in 3/4 frontal view showing right side of face with right ear visible; using pencil or felt pen, lightly print your name on the back of each photograph. Failure to comply with the above instructions will result in the return of the application without further action.

**7. Fingerprints:** A completed fingerprint card (Form FD-258) must be submitted by each applicant 14 years of age or older. Fingerprint cards with instructions for their completion are available at Qualified Designated Entity offices. Applicants may be fingerprinted by law enforcement offices, Outreach Centers, charitable and voluntary agencies, or other reputable persons or organizations. The fingerprint card (FD-258) on which the prints are submitted, the ink used, and the quality and classifiability of the prints must meet standards prescribed by the Federal Bureau of Investigation. The card must be signed by you in the presence of the person taking your fingerprints, who must then sign his/her name and enter the date in the spaces provided. It is important to furnish all the information called for on the card.

**8. Interview:** You will be required to be present for a personal interview by an officer of the Immigration and Naturalization Service. In most locations, interviews will be scheduled subsequent to receipt of the application.

**9. Documents - General:** All documents must be submitted in the original. If the return of original documents is desired, each must be accompanied by copies certified as true and correct by your representative or Qualified Designated Entity in the format prescribed in 8 CFR 204.2 (j)(1) or (2). Certified copies unaccompanied by original documents are unacceptable. All original documents submitted without certified copies become the property of the Attorney General and will be retained by the Service. Any document in a foreign language must be accompanied by a summary translation into English. A summary translation is a condensation or abstract of the document's text but includes all pertinent facts. The translator must certify that he/she is competent to translate into English and that the translation is accurate.

**10. Documents to Establish Identity:** The following list gives examples of the types of documents the Immigration and Naturalization Service will consider as evidence to establish your identity. This list is not all inclusive and other evidence may be considered if none of the following is available:

- Birth Certificate, Baptismal Certificate, or other evidence of birth
- Passport
- National Identification Card from country of origin
- Driver's License
- School Identification Card
- State Identification Card

**11. Documents to Establish Admissibility:**

- (a) Medical Report of Examination (Form I-693).
- (b) Evidence of Income: examples of documents which may be used as evidence of financial support or income include:
  - Letters from employers which illustrate full-time employment.
  - W-2 Tax Records or other wage records.
  - Bank statements or evidence of other assets.
  - Form I-134 (Affidavit of Support) completed by a responsible person in the United States.
  - Any other evidence to establish that the applicant is not likely to become a public charge.
- (c) An application for a Waiver of Grounds of Excludability (Form I-690) may be required if you answer any of the items 39 through 43 in the affirmative.

**12. Documents to Establish Residence:** Examples of documents which may be submitted to prove continuity of residence include:

- Leases
- Rent Receipts
- Employer, union or other business records
- Birth certificates of children born in the United States
- Automobile license receipts
- Vehicle registrations
- Deeds
- Mortgages
- Utility bill receipts
- Installment loan records
- Church records
- Medical records

Letters from landlords should include the landlord's present address and the beginning and terminating dates of the applicant's residence. Letters from employers' organizations or churches should be on official stationery and include relevant dates, the organization seal (if any) and the signer's name and title.

U.S. Department of Justice  
Immigration and Naturalization Service

Application for Status as a Temporary Resident OMB #1115-0133  
(Under Section 245A of the Immigration and Nationality Act)

Please begin with item #1, after carefully reading the instructions.

The block below is for Government Use Only.

Name and Location (City or Town) of Qualified Designated Entity	Fee Stamp
	Fee Receipt No. (This application)
	Principal Applicant's File No. A -
Qualified Designated Entity I.D. No.	File No. (This applicant) A -

Applicant: Do not write above this line. See instructions before filling in application. If you need more space to answer fully any question on this form, use a separate sheet and identify each answer with the number of the corresponding question. Fill in with typewriter or print in block letters in ink.

1. I hereby apply for status as indicated by the block checked below (check block A or B).	
<input type="checkbox"/> A Temporary Residence as an alien who illegally entered the U.S. prior to January 1, 1982.	
<input type="checkbox"/> B Temporary Residence as an alien who entered the U.S. as a nonimmigrant prior to January 1, 1982 and whose authorized stay expired before such date or whose unlawful status was known to the Government as of January 1, 1982.	
2. Family Name (Last Name in CAPITAL Letters) (First Name) (Middle Name)	3. Date of Birth (Month/Day/Year)
4. Other Names Used or Known by (Including maiden name, if married)	5. Telephone Numbers (Include Area Codes) Home: Work:
6. Home Address in the U.S. (No. and Street) (Apt. No.) (City) (State) (ZIP Code)	
7. Mailing Address in the U.S. (if different from #6.) (Apt. No.) (City) (State) (ZIP Code)	
8. Last Address outside the U.S. (City or Town) (County, Province or State) (Country)	
9. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	10. Race <input type="checkbox"/> Asian or Pacific Islander <input type="checkbox"/> Black, not of Hispanic origin <input type="checkbox"/> Other (specify below) <input type="checkbox"/> Hispanic <input type="checkbox"/> White, not of Hispanic origin
11. Marital Status <input type="checkbox"/> Never Married <input type="checkbox"/> Divorced <input type="checkbox"/> Now Married <input type="checkbox"/> Separated <input type="checkbox"/> Widowed	12. Country of Citizenship
13. Place of Birth (City or Town) (County, Province or State) (Country)	
14. Have you previously applied for temporary residence as a legalization applicant? <input type="checkbox"/> No <input type="checkbox"/> Yes (if "Yes" give date, place of filing, and final disposition, if known)	15. Do you have any other record with I&NS? <input type="checkbox"/> No <input type="checkbox"/> Yes (If "Yes" give number(s)) A - Other
16. When did you last come to the U.S.? (Month/Day/Year)	17. Manner of Entry (Visitor, Student, Crewman, etc.) <input type="checkbox"/> With visa (visitor, student, etc.) specify <input type="checkbox"/> Without visa
18. Place of Last Entry <input type="checkbox"/> U.S. Port of entry (City and State) <input type="checkbox"/> Border - Not through port (State)	19. List all Social Security Numbers used. (1) (3) (2) (4)
20. Mother's Name (Maiden) (Last) (First) <input type="checkbox"/> Living <input type="checkbox"/> Deceased (year)	21. Father's Name (Last) (First) <input type="checkbox"/> Living <input type="checkbox"/> Deceased (year)

I-687

[illegible]

34. To assist in establishing the required residence, please list all affiliations or associations with clubs, organizations, churches, unions, businesses, etc.

Name of Organization	Location	From (Month/Year)	To (Month/Year)

35. Absences from the United States since entry. (List most recent absence first and list absences back to January 1, 1982):

Country	Purpose of Trip	From (Month/Year)	To (Month/Year)

36. Employment in the United States since first entry. (List present or most recent first and list back to date of entry; if none since entry, write "None".)

Full Name and Address of Employer (with ZIP Code) (or Self employed and business address)	Your Occupation	Annual Wages	Wages per Hour	From (Month/Year)	To (Month/Year)

37. ☐ I have registered under the Military Selective Service Act. My Selective Service No. is \_\_\_\_\_  
☐ I am a male over the age of 17 and under the age of 26 required to register under the Military Selective Service Act and have not done so. I wish to register at this time. SSS Form 1 is attached.  
☐ I am a male born after 1959 and over the age of 26 and cannot now register.  
☐ I am exempt from Selective Service Registration either because I am a female or I was born before 1960.

38. ☐ I have ☐ I have not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group or political opinion.

39. ☐ I have ☐ I have not been treated for a mental disorder, drug addiction or alcoholism.

40. ☐ I have ☐ I have not been arrested, convicted or confined in a prison.

41. ☐ I have ☐ I have not been the beneficiary of a pardon, amnesty, rehabilitation decree, other act of clemency or similar action.

42. ☐ I have ☐ I have not received public assistance from any source, including, but not limited to, the United States Government, any state, county, city or municipality. (If you have, explain; including the name(s) and Social Security number(s) used.)

43. Applicants for status as Temporary Residents must establish that they are admissible to the United States. Except as otherwise provided by law, aliens within any of the following classes are not admissible to the United States and are therefore ineligible for status as Temporary Residents.

- A. Aliens who have committed or who have been convicted of a crime involving moral turpitude (does not include minor traffic violations).
- B. Aliens who have been engaged in or who intend to engage in any commercialized sexual activity.
- C. Aliens who are or at any time have been anarchists, or members of or affiliated with any Communist or other totalitarian party, including any subdivision or affiliate thereof.
- D. Aliens who have advocated or taught, either by personal utterance, or by means of any written or printed matter, or through affiliation with an organization:
  - 1) Opposition to organized government;
  - 2) The overthrow of government by force or violence;
  - 3) The assaulting or killing of government officials because of their official character;
  - 4) The unlawful destruction of property;
  - 5) Sabotage, or;
  - 6) The doctrines of world communism, or the establishment of a totalitarian dictatorship in the United States.
- E. Aliens who intend to engage in activities prejudicial to the national interests or unlawful activities of a subversive nature.
- F. Aliens who, during the period beginning on March 23, 1933, and ending on May 8, 1945, under the direction of, or in association with:
  - 1) The Nazi government in Germany;
  - 2) Any government in any area occupied by the military forces of the Nazi government in Germany;
  - 3) Any government established with the assistance or cooperation of the Nazi government of Germany;
  - 4) Any government which was an ally of the Nazi government of Germany;

ordered, incited, assisted or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion.

Do any of the above classes apply to you? ☐ No

G. Aliens who have been convicted of a violation of any law or regulation relating to narcotic drugs or marihuana, or who have been illicit traffickers in narcotic drugs or marihuana.

H. Aliens who have been involved in assisting any other aliens to enter the United States in violation of the law.

I. Aliens who have applied for exemption or discharge from training or service in the Armed Forces of the United States on the ground of alienage and who have been relieved or discharged from such training or service.

J. Aliens who are mentally retarded, insane, or who have suffered one or more attacks of insanity.

K. Aliens afflicted with psychopathic personality, sexual deviation, mental defect, narcotic drug addiction, chronic alcoholism or any dangerous contagious disease.

L. Aliens who have a physical defect, disease or disability affecting their ability to earn a living.

M. Aliens who are paupers, professional beggars or vagrants.

N. Aliens who are polygamists or advocate polygamy.

O. Aliens likely to become a public charge.

P. Aliens who have been excluded from the United States within the past year, or who at any time within 5 years have been deported from the United States.

Q. Aliens who have procured or have attempted to procure a visa by fraud or misrepresentation.

R. Aliens who are former exchange visitors who are subject to but have not complied with the two-year foreign residence requirement.

☐ Yes (If "Yes", explain on a separate sheet of paper.)

44. If your native alphabet is in other than Roman letters, write your name in your native alphabet.		45. Language of native alphabet	
46. Signature of Applicant - I CERTIFY, under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. I hereby consent and authorize the Service to verify the information provided, and to conduct police, welfare and other record checks pertinent to this application.		47. Date (Month/Day/Year)	
48. Signature of person preparing form, if other than applicant. I DECLARE that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.		49. Date (Month/Day/Year)	
50. Name and Address of person preparing form, if other than applicant (type or print).		51. Occupation of person preparing form	
QUALIFIED DESIGNATED ENTITY USE ONLY			
52. Reviewed by (Print or Type Name)		53. Signature	
		54. Date	
IMMIGRATION AND NATURALIZATION SERVICE USE ONLY			
55. Recommendation: Temporary Residence <input type="checkbox"/> Approved <input type="checkbox"/> Denied		56. Waiver of Excludability under Section 212 (a) _____ is <input type="checkbox"/> Approved <input type="checkbox"/> Denied	
57. Class of Admission		58. Place of Adjustment	
		59. Date of Adjustment	
60. Recommended by (Print or type Name and Title)		61. Signature	62. ID No.
			63. Date
64. Final Action: Temporary Residence <input type="checkbox"/> Approved <input type="checkbox"/> Denied		65. Director Regional Processing Facility	66. ID. No.
			67. Date

\_\_\_\_\_



\_\_\_\_\_



**Application for Waiver of Grounds of Excludability**  
**Under Sections 245A or 210 of the Immigration and Nationality Act**

**I-690 Instructions**

*Please carefully read all of the instructions.*  
The fee will not be refunded.

**1. Filing the Application**

The application and supporting documentation should be taken or mailed to an American Consulate if the applicant is outside of the United States and is applying for temporary resident status as a Special Agricultural Worker.

If the applicant is in the United States, a participating Qualified Designated Entity near your place of residence, or

The Service legalization office having jurisdiction over the applicant's place of residence or employment.

**2. Fee**

A fee of thirty-five dollars (\$35.00), is required at the time of filing. The fee is not refundable regardless of the action taken on the application.

A separate cashier's check or money order must be submitted for each application. *All fees must be submitted in the exact amount.* The fee must be in the form of a cashier's check or money order. No cash or personal checks will be accepted. The cashier's check or money order must be made payable to "Immigration and Naturalization Service" unless applicant resides in the Virgin Islands or Guam. (Applicants residing in the Virgin Islands make cashier's check or money order payable to "Commissioner of Finance of the Virgin Islands." Applicants residing in Guam make cashier's check or money order payable to "Treasurer, Guam.")

A fee is not required if this application is filed for an alien who:

- Is afflicted with tuberculosis;
- Is mentally retarded; or
- Has a history of mental illness.

**3. Applicants with Tuberculosis.**

An applicant with active tuberculosis or suspected tuberculosis must complete Statement A on page two of this form. The applicant and his or her sponsor is also responsible for having:

Statement B completed by the physician or health facility which has agreed to provide treatment or observation, and

Statement C, if required, completed by the appropriate local or state health officer.

This form should then be returned to the applicant for presentation to the consular office, or to the appropriate office of the Immigration and Naturalization Service.

Submission of the application without the required fully executed statements will result in the return of the application to the applicant without further action.

**4. Applicants with Mental Conditions.**

*An alien who is mentally retarded or who has a history of mental illness shall attach a statement that arrangements have been made for the submission of a medical report, as follows, to the office where this form is filed:*

The medical report shall contain:

A complete medical history of the alien, including details of any hospitalization or institutional care or treatment for any physical or mental condition;

Findings as to the current physical condition of the alien, including reports of chest X-rays and a serologic test if the alien is 15 years of age or older, and other pertinent diagnostic tests; and

Findings as to the current mental condition of the alien, with information as to prognosis and life expectancy and with a report of a psychiatric examination conducted by a psychiatrist who shall, in case of mental retardation, also provide an evaluation of intelligence.

For an alien with a past history of mental illness, the medical report shall also contain available information on which the United States Public Health Service can base a finding as to whether the alien has been free of such mental illness for a period of time sufficient in the light of such history to demonstrate recovery.

The medical report will be referred to the United States Public Health Service for review and, if found acceptable, the alien will be required to submit such additional assurances as the United States Public Health Service may deem necessary in his or her particular case.

U.S. Department of Justice  
Immigration and Naturalization Service

OMB #1115-0188  
Application for Waiver of Grounds of Excludability  
(Sec. 245A or Sec. 210 of the Immigration and Nationality Act)

Please begin with item #1, after carefully reading the instructions.

The block below is for Government Use Only.

Name and Location (City or Town) of Qualified Designated Entity	Fee Stamp
	Fee Receipt No. (This application)
Qualified Designated Entity I.D. No.	File No. (This applicant) A -

Applicant: Do not write above this line. See instructions before filling in application. If you need more space to answer fully any question on this form, use a separate sheet and identify each answer with the number of the corresponding question. Fill in with typewriter or print in block letters in ink.

1. Family Name (Last Name in CAPITAL Letters) (First Name) (Middle Name)			2. Date of Birth (Month/Day/Year)	
3. Address (No. and Street) (Apt. No.) (City/Town) (State/Country) (ZIP/Postal Code)				
4. Place of Birth (City or Town and County, Province or State) (Country)			5. Social Security Number	
6. Date of visa application (Month/Day/Year)—for: <input type="checkbox"/> Permanent <input type="checkbox"/> Temporary Residence			7. Visa applied for at:	
8. I am inadmissible under Section(s): <input type="checkbox"/> 212 (a) (1) <input type="checkbox"/> 212 (a) (6) <input type="checkbox"/> 212 (a) (19) <input type="checkbox"/> 212 (a) (3) <input type="checkbox"/> 212 (a) (12) <input type="checkbox"/> Other 212 (a) Specify Section ( )				
9. List reasons of excludability; if active or suspected tuberculosis, the reverse of the page must be completed.				
10. List all immediate relatives in the United States (parents, spouse and children):				
Name	Address	Relationship	Immigration Status	
11. I should be granted a waiver because: (Describe family unity considerations or humanitarian or public interest reasons for granting a waiver). If more space is needed attach an additional sheet.				
12. Applicant's Signature			13. Date (Month/Day/Year)	

I&NS USE ONLY

Recommended by:

(Print or Type Name and Title) \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ I.D.# \_\_\_\_\_ Director, Regional Processing Facility \_\_\_\_\_

Form I-690 (02/14/87)

#### A. APPLICANT

**Instructions:** Leave this side blank if your Application for Waiver of Grounds of Excludability is for any reason other than active or suspected tuberculosis. If your application is due to active or suspected tuberculosis, take this form to any physician or medical facility under contract with the Immigration and Naturalization Service. Have the physician complete Section B. You must sign Section A (below) in the presence of the physician.

If medical care will be provided by a physician who checked Box 3 or 4 in Section B, have Section C completed by the local or State Health Officer who has jurisdiction in the area where you reside. Present the form to the Health Officer after Sections A and B on this side, and all sections on the other side have been completed.

**Statement:** I have reported to the physician or health facility named in Section B; have presented all X-Rays used in the Legalization medical examination to substantiate diagnosis; will submit to such examinations, treatment, isolation, and medical regimen as may be required; and will remain under the prescribed treatment or observation whether on inpatient or outpatient basis, until discharged at the discretion of the physician named, or a physician representing the facility named in Section B. Satisfactory financial arrangements have been made. (NOTE: This statement does not relieve you from submitting evidence to establish that you are not likely to become a public charge.)

A. Signature of Applicant

Date

#### B. PHYSICIAN OR HEALTH FACILITY

**Instructions:** This section of Form I-690 may be executed by a physician in private practice (under contract with the Immigration and Naturalization Service), or a physician employed by a health department, other public health facility, or military hospital.

Complete Section B (below) of this form, and have alien sign and date Section A (above) in your presence. Please be sure the alien's signature above, and the alien's signature on the other side of this form are identical.

**Statement:** I agree to supply any treatment or observation necessary for the proper management of the alien's tuberculous condition. I agree to submit Form CDC 75.18 to the health officer named below ("Section C") within thirty (30) days of the alien's reporting for care, indicating presumptive diagnosis, test results, and plans for future care of the alien. Satisfactory financial arrangements have been made.

I represent (enter X in the appropriate box and type or legibly print name and address of facility):

1. ☐ Local Health Department
2. ☐ Military Hospital
3. ☐ Other Public Health Facility
4. ☐ Private Practice or Private Health Facility under contract with the Immigration and Naturalization Service.

B. Signature of Physician

Date

Print or Type Name and Address of Physician and Facility. (If military, enter name and address of receiving hospital and mail directly to Centers for Disease Control, Atlanta, GA 30333.)

#### C. LOCAL OR STATE HEALTH OFFICER

**Instructions:** If the facility or physician who signed in Section B is not in your health jurisdiction and is not familiar to you, you may wish to contact the health officer responsible for the jurisdiction of the facility or physician prior to endorsing this document.

**Statement:** This endorsement signifies recognition of the physician or facility for the purpose of providing care for tuberculosis.

C. Signature of Health Officer

Date

Print or Type Name of Health Officer, and Official Name and Complete Address of Local Health Department.

\_\_\_\_\_

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Instructions

**To Alien Applying for Adjustment of Status**

A medical examination is necessary as part of your application for adjustment of status. Please communicate immediately with one of the physicians on the attached list to arrange for your medical examination, which must be completed before your status can be adjusted. The purpose of the medical examination is to determine if you have certain health conditions which may need further followup. All expenses in connection with this examination must be paid by you. The examining physician may refer you to your personal physician or a local public health department and you must comply with some health followup or treatment recommendations for certain health conditions before your status will be adjusted.

This form should be presented to the examining physician. You must sign the form in the presence of the examining physician. *The law provides severe penalties for knowingly and willfully falsifying or concealing a material fact or using any false documents in connection with this medical examination.*

**To Physician Performing the Examination**

Please medically examine for adjustment of status the individual presenting this form. The medical examination should be performed according to the U.S. Public Health Service "Guidelines for the Medical Examination of Aliens in the United States and Supplement" which have been provided to you separately.

If the applicant is free of medical defects listed in Section 212(a) of the Immigration and Nationality Act, endorse the form in the space provided. While in your presence, the applicant must also sign the form in the space provided. You should retain one copy for your files and return all other copies in a sealed envelope to the applicant for presentation at the immigration interview.

If the applicant has a health condition which requires followup as specified in the "Guidelines for Medical Examination of Aliens in the United States and Supplement", complete the referral information on the pink copy of the medical examination form, and advise the applicant that appropriate followup must be obtained before medical clearance can be granted. Retain the blue copy of the form for your files and return all other copies to the applicant in a sealed envelope. The applicant should return to you when the necessary followup has been completed for your final verification and signature. **Do not sign the form until the applicant has met health followup requirements.** All medical documents, including chest x-ray films if a chest x-ray examination was performed, should be returned to the applicant upon final medical clearance.

**To Physician Providing Health Followup**

The individual presenting this form has been found to have a medical condition(s) requiring resolution before medical clearance for adjustment of status can be granted. Please evaluate the applicant for the condition(s) identified. The requirements for clearance are outlined on the reverse of this page. When the individual has completed clearance requirements, please sign the form in the space provided and return the medical examination form to the applicant.

**Medical Examination and Health Information**

A medical examination is necessary as part of your application for adjustment of status under the Immigration Reform and Control Act of 1986. You should go for your medical examination as soon as possible. The organization or person who gave you your application packet can help you arrange the medical examination. You will have to choose a doctor from a list you will be given. The list will have the names of doctors or clinics in your area that have been approved by the Immigration and Naturalization Service for this examination. You must pay for the examination. The cost may be different from place to place, but should be in the \$30 - \$60 range. If you become a temporary legal resident and later apply to become a permanent resident, you will need to have another medical examination at that time.

The purpose of the medical examination is to find out if you have certain health conditions which may need further followup. The doctor will examine you for certain physical and mental health conditions. You will have to take off your clothes. If you need more tests because of a condition found during your medical examination, the doctor may send you to your own doctor or to the local public health department. For some conditions, before you can become a temporary or permanent resident, you will have to show that you have followed the doctor's advice to get more tests or take treatment.

One of the conditions you will be tested for is tuberculosis. If you are 15 years of age or older, you may choose to be tested for tuberculosis with either a chest x-ray or a skin test (an injection into the skin on your arm). The skin test costs less than a chest x-ray examination. If you choose the skin test you will have to return in 2 - 3 days to have it checked. If you do not have any reaction to the skin test you will not need any more tests for tuberculosis. If you do have any reaction to the skin test, you will then need to go ahead and have a chest x-ray examination too. If the doctor thinks you are infected with tuberculosis, you may have to go to the local health department and more tests may have to be done. The doctor will explain these to you.

If you are 14 years of age or younger, you will not need to have a test for tuberculosis unless a member of your immediate family has chest x-ray findings that may be tuberculosis. If you are in this age group and you do have to be tested for tuberculosis, you too may choose either the chest x-ray or the skin test.

You must also have a blood test for syphilis if you are 15 years of age or older.

If you have any records of immunizations (vaccinations), you should bring them to show to the doctor. This is especially important for pre-school and school-age children. The doctor will tell you if any more immunizations are needed, and where you can get them (usually at your local public health department). It is important for your health that you follow the doctor's advice and go to get any immunizations.

U.S. Department of Justice  
Immigration and Naturalization Service

OMB #1115-0134  
Medical Examination of Aliens Seeking  
Adjustment of Status (P. L. 99 - 603)

(Please Type or Print Clearly)  
I certify that on the date shown I examined:

NAME: LAST FIRST MI	DATE OF EXAMINATION MO DA YR ____	FILE No. _____
ADDRESS: STREET CITY STATE ZIP	DATE OF BIRTH: MO DA YR ____	COUNTRY OF BIRTH: _____

GENERAL PHYSICAL EXAMINATION

I examined specifically for evidence of the conditions listed below. My examination revealed:

- ☐ No apparent defect, disease, or disability ☐ The conditions listed below were found (check boxes that apply)

CLASS A Conditions			CLASS-B Conditions
<input type="checkbox"/> Chancroid	<input type="checkbox"/> Hansen's Disease, Infectious	<input type="checkbox"/> Tuberculosis, Active	<input type="checkbox"/> Tuberculosis, Not Active
<input type="checkbox"/> Gonorrhea	<input type="checkbox"/> Lymphogranuloma Venereum	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Hansen's Disease, Not Infectious
<input type="checkbox"/> Granuloma Inguinale	<input type="checkbox"/> Syphilis, Infectious		<input type="checkbox"/> Other Physical Defect, Disease or Disability: _____
<input type="checkbox"/> Mental Retardation	<input type="checkbox"/> Previous Occurrence of One or More Attacks of Insanity	<input type="checkbox"/> Mental Defect	
<input type="checkbox"/> Insanity	<input type="checkbox"/> Psychopathic Personality	<input type="checkbox"/> Narcotic Drug Addiction	
<input type="checkbox"/> Sexual Deviation		<input type="checkbox"/> Chronic Alcoholism	

EXAMINATION FOR TUBERCULOSIS

TUBERCULIN SKIN TEST

FROM Doctor \_\_\_\_\_ (Please Print)

☐ REACTION \_\_\_\_\_ mm MO DA YR  
DATE READ \_\_\_\_\_

☐ NO REACTION ☐ NOT DONE

CHEST X-RAY REPORT

FROM Doctor \_\_\_\_\_ (Please Print)

☐ NORMAL MO DA YR  
DATE READ \_\_\_\_\_

☐ ABNORMAL ☐ NOT DONE

SEROLOGIC TEST FOR SYPHILIS

TEST TYPE \_\_\_\_\_

FROM Doctor \_\_\_\_\_ (Please Print)

☐ REACTIVE TITER MO DA YR  
DATE READ \_\_\_\_\_

☐ NONREACTIVE

TEST TYPE \_\_\_\_\_

FROM Doctor \_\_\_\_\_ (Please Print)

☐ REACTIVE TITER MO DA YR  
DATE READ \_\_\_\_\_

☐ NONREACTIVE

IMMUNIZATION DETERMINATION (DTP, OPV, MMR, Td - Refer to PHS Guidelines for recommendations.)

- ☐ Applicant is current for recommended age-specific immunizations ☐ Applicant is not current for recommended age-specific immunizations and I have encouraged that appropriate immunizations be obtained

REMARKS:

CIVIL SURGEON REFERRAL FOR FOLLOW-UP OF MEDICAL CONDITION

- ☐ The alien named above has applied for adjustment of status. A medical examination conducted by me identified the conditions above which require resolution before medical clearance is granted or for which the alien may seek medical advice. Please provide follow-up services or refer the alien to an appropriate health care provider. The actions necessary for medical clearance are detailed on the reverse of this form.

FOLLOW-UP INFORMATION

The alien named above has complied with recommended health follow-up.

SIGNATURE TITLE MO DA YR

APPLICANT CERTIFICATION

I certify that the information contained in this form refers to me.

SIGNATURE MO DA YR

CIVIL SURGEON CERTIFICATION

My examination showed the applicant to have met the medical examination and health follow-up requirements for adjustment of status.

SIGNATURE TITLE MO DA YR

The Immigration and Naturalization Service is authorized to collect this information under the provisions of the Immigration Reform and Control Act of 1986, Public Law 99-603. The individually identified data requested is required in order for a proper evaluation to be made of your health status, and may be shared with health departments and other public health or cooperating medical authorities. The medical examination must be completed in order for us to process your application.

U.S. Department of Justice  
Immigration and Naturalization Service

OMB #1115-0134  
Medical Examination of Aliens Seeking  
Adjustment of Status (P. L. 99 - 603)

(Please Type or Print Clearly)

I certify that on the date shown I examined:

NAME: LAST FIRST MI	DATE OF EXAMINATION MO DA YR	FILE No.
ADDRESS: STREET CITY STATE ZIP	DATE OF BIRTH: MO DA YR	COUNTRY OF BIRTH:

GENERAL PHYSICAL EXAMINATION

I examined specifically for evidence of the conditions listed below. My examination revealed:

☐ No apparent defect, disease, or disability

☐ The conditions listed below were found (check boxes that apply)

CLASS A Conditions			CLASS B Conditions
<input type="checkbox"/> Chancroid	<input type="checkbox"/> Hansen's Disease, Infectious	<input type="checkbox"/> Tuberculosis, Active	<input type="checkbox"/> Tuberculosis, Not Active
<input type="checkbox"/> Gonorrhea	<input type="checkbox"/> Lymphogranuloma Venereum	<input type="checkbox"/> Other	<input type="checkbox"/> Hansen's Disease, Not Infectious
<input type="checkbox"/> Granuloma Inguinale	<input type="checkbox"/> Syphilis, Infectious		<input type="checkbox"/> Other Physical Defect, Disease or Disability:
<input type="checkbox"/> Mental Retardation	<input type="checkbox"/> Previous Occurrence of One or More Attacks of Insanity	<input type="checkbox"/> Mental Defect	
<input type="checkbox"/> Insanity	<input type="checkbox"/> Psychopathic Personality	<input type="checkbox"/> Narcotic Drug Addiction	
<input type="checkbox"/> Sexual Deviation		<input type="checkbox"/> Chronic Alcoholism	

EXAMINATION FOR TUBERCULOSIS

TUBERCULIN SKIN TEST

FROM Doctor (Please Print)

☐ REACTION mm MO DA YR

☐ NO REACTION ☐ NOT DONE DATE READ

CHEST X-RAY REPORT

FROM Doctor (Please Print)

☐ NORMAL MO DA YR

☐ ABNORMAL ☐ NOT DONE DATE READ

SEROLOGIC TEST FOR SYPHILIS

TEST TYPE

FROM Doctor (Please Print)

☐ REACTIVE TITER MO DA YR

☐ NONREACTIVE DATE READ

TEST TYPE

FROM Doctor (Please Print)

☐ REACTIVE TITER MO DA YR

☐ NONREACTIVE DATE READ

IMMUNIZATION DETERMINATION (DTP, OPV, MMR, Td - Refer to PHS Guidelines for recommendations.)

☐ Applicant is current for recommended age-specific immunizations

☐ Applicant is not current for recommended age-specific immunizations and I have encouraged that appropriate immunizations be obtained

REMARKS:

CIVIL SURGEON REFERRAL FOR FOLLOW-UP OF MEDICAL CONDITION

☐ The alien named above has applied for adjustment of status. A medical examination conducted by me identified the conditions above which require resolution before medical clearance is granted or for which the alien may seek medical advice. Please provide follow-up services or refer the alien to an appropriate health care provider. The actions necessary for medical clearance are detailed on the reverse of this form.

FOLLOW-UP INFORMATION

The alien named above has complied with recommended health follow-up.

SIGNATURE

TITLE

MO DA YR

APPLICANT CERTIFICATION

I certify that the information contained in this form refers to me.

SIGNATURE

MO DA YR

CIVIL SURGEON CERTIFICATION

My examination showed the applicant to have met the medical examination and health follow-up requirements for adjustment of status.

SIGNATURE

TITLE

MO DA YR

97  
97  
97  
97

The Immigration and Naturalization Service is authorized to collect this information under the provisions of the Immigration Reform and Control Act of 1986, Public Law 99-603. The individually identified data requested is required in order for a proper evaluation to be made of your health status, and may be shared with health departments and other public health or cooperating medical authorities. The medical examination must be completed in order for us to process your application.

Form I-693 (02/14/87)

APPLICANT

U.S. Department of Justice  
Immigration and Naturalization Service

OMB #1115-0134  
Medical Examination of Aliens Seeking  
Adjustment of Status (P. L. 99 - 603)

(Please Type or Print Clearly)

I certify that on the date shown I examined:

NAME: LAST FIRST MI

DATE OF  
EXAMIN-  
ATION

MO DA YR

FILE  
No.

DATE OF  
BIRTH:

MO DA YR

COUNTRY OF BIRTH:

ADDRESS:

STREET

CITY

STATE

ZIP

GENERAL PHYSICAL EXAMINATION

I examined specifically for evidence of the conditions listed below. My examination revealed:

☐ No apparent defect, disease, or disability

☐ The conditions listed below were found (check boxes that apply)

CLASS A Conditions

☐ Chancroid

☐ Hansen's Disease, Infectious

☐ Tuberculosis, Active

☐ Gonorrhea

☐ Lymphogranuloma Venereum

☐ Other:

☐ Granuloma Inguinale

☐ Syphilis, Infectious

☐ Mental Retardation

☐ Previous Occurrence of One  
or More Attacks of Insanity

☐ Mental Defect

☐ Insanity

☐ Narcotic Drug Addiction

☐ Sexual Deviation

☐ Psychopathic Personality

☐ Chronic Alcoholism

CLASS B Conditions

☐ Tuberculosis, Not Active

☐ Hansen's Disease, Not Infectious

☐ Other Physical Defect, Disease  
or Disability:

EXAMINATION FOR TUBERCULOSIS

TUBERCULIN SKIN TEST

FROM Doctor

(Please Print)

☐ REACTION \_\_\_\_\_ mm

MO DA YR

☐ NO REACTION ☐ NOT DONE

DATE READ

CHEST X-RAY REPORT

FROM Doctor

(Please Print)

☐ NORMAL

MO DA YR

☐ ABNORMAL ☐ NOT DONE

DATE READ

SEROLOGIC TEST FOR SYPHILIS

TEST TYPE

FROM Doctor

(Please Print)

☐ REACTIVE TITER

MO DA YR

☐ NONREACTIVE

DATE READ

TEST TYPE

FROM Doctor

(Please Print)

☐ REACTIVE TITER

MO DA YR

☐ NONREACTIVE

DATE READ

IMMUNIZATION DETERMINATION (DTP, OPV, MMR, Td - Refer to PHS Guidelines for recommendations.)

☐ Applicant is current for recommended age-specific immunizations

☐ Applicant is not current for recommended age-specific immunizations  
and I have encouraged that appropriate immunizations be obtained.

REMARKS:

CIVIL SURGEON REFERRAL FOR FOLLOW-UP OF MEDICAL CONDITION

☐ The alien named above has applied for adjustment of status. A medical examination conducted by me identified the conditions above which require resolution before medical clearance is granted or for which the alien may seek medical advice. Please provide follow-up services or refer the alien to an appropriate health care provider. The actions necessary for medical clearance are detailed on the reverse of this form.

FOLLOW-UP INFORMATION

The alien named above has complied with  
recommended health follow-up.

SIGNATURE

TITLE

MO DA YR

APPLICANT CERTIFICATION

I certify that the information contained in this  
form refers to me.

SIGNATURE

MO DA YR

CIVIL SURGEON CERTIFICATION

My examination showed the applicant to have  
met the medical examination and health follow-up  
requirements for adjustment of status.

SIGNATURE

TITLE

MO DA YR

The Immigration and Naturalization Service is authorized to collect this information under the provisions of the Immigration Reform and Control Act of 1986, Public Law 99-603. The individually identified data requested is required in order for a proper evaluation to be made of your health status, and may be shared with health departments and other public health or cooperating medical authorities. The medical examination must be completed in order for us to process your application.

U.S. Department of Justice  
Immigration and Naturalization Service

OMB #1115-0134  
Medical Examination of Aliens Seeking  
Adjustment of Status (P. L. 99 - 603)

(Please Type or Print Clearly)

I certify that on the date shown I examined:

NAME: LAST FIRST MI				DATE OF EXAMINATION MO DA YR	FILE No.
ADDRESS: STREET CITY STATE ZIP				DATE OF BIRTH: MO DA YR	COUNTRY OF BIRTH:

GENERAL PHYSICAL EXAMINATION

I examined specifically for evidence of the conditions listed below. My examination revealed:

☐ No apparent defect, disease, or disability

☐ The conditions listed below were found (check boxes that apply)

CLASS A Conditions			CLASS B Conditions
<input type="checkbox"/> Chancroid	<input type="checkbox"/> Hansen's Disease, Infectious	<input type="checkbox"/> Tuberculosis, Active	<input type="checkbox"/> Tuberculosis, Not Active
<input type="checkbox"/> Gonorrhea	<input type="checkbox"/> Lymphogranuloma Venereum	<input type="checkbox"/> Other:	<input type="checkbox"/> Hansen's Disease, Not Infectious
<input type="checkbox"/> Granuloma Inguinale	<input type="checkbox"/> Syphilis, Infectious		<input type="checkbox"/> Other Physical Defect, Disease or Disability:
<input type="checkbox"/> Mental Retardation	<input type="checkbox"/> Previous Occurrence of One or More Attacks of Insanity	<input type="checkbox"/> Mental Defect	
<input type="checkbox"/> Insanity	<input type="checkbox"/> Psychopathic Personality	<input type="checkbox"/> Narcotic Drug Addiction	
<input type="checkbox"/> Sexual Deviation		<input type="checkbox"/> Chronic Alcoholism	

EXAMINATION FOR TUBERCULOSIS

TUBERCULIN SKIN TEST

FROM Doctor

(Please Print)

☐ REACTION mm

☐ NO REACTION ☐ NOT DONE

MO DA YR  
DATE READ

CHEST X-RAY REPORT

FROM Doctor

(Please Print)

☐ NORMAL

☐ ABNORMAL ☐ NOT DONE

MO DA YR  
DATE READ

SEROLOGIC TEST FOR SYPHILIS

TEST TYPE

FROM Doctor

(Please Print)

☐ REACTIVE TITER

☐ NONREACTIVE

MO DA YR  
DATE READ

TEST TYPE

FROM Doctor

(Please Print)

☐ REACTIVE TITER

☐ NONREACTIVE

MO DA YR  
DATE READ

IMMUNIZATION DETERMINATION (DTP, OPV, MMR, Td - Refer to PHS Guidelines for recommendations.)

☐ Applicant is current for recommended age-specific immunizations

☐ Applicant is not current for recommended age-specific immunizations and I have encouraged that appropriate immunizations be obtained

REMARKS:

CIVIL SURGEON REFERRAL FOR FOLLOW-UP OF MEDICAL CONDITION

☐ The alien named above has applied for adjustment of status. A medical examination conducted by me identified the conditions above which require resolution before medical clearance is granted or for which the alien may seek medical advice. Please provide follow-up services or refer the alien to an appropriate health care provider. The actions necessary for medical clearance are detailed on the reverse of this form.

FOLLOW-UP INFORMATION

The alien named above has complied with recommended health follow-up.

SIGNATURE

TITLE

MO DA YR

APPLICANT CERTIFICATION

I certify that the information contained in this form refers to me.

SIGNATURE

MO DA YR

CIVIL SURGEON CERTIFICATION

My examination showed the applicant to have met the medical examination and health follow-up requirements for adjustment of status.

SIGNATURE

TITLE

MO DA YR

The Immigration and Naturalization Service is authorized to collect this information under the provisions of the Immigration Reform and Control Act of 1986, Public Law 99-603. The individually identified data requested is required in order for a proper evaluation to be made of your health status, and may be shared with health departments and other public health or cooperating medical authorities. The medical examination must be completed in order for us to process your application.

# **MEDICAL CLEARANCE REQUIREMENTS FOR ALIENS SEEKING ADJUSTMENT OF STATUS**

MEDICAL CONDITION	ESTIMATED TIME FOR CLEARANCE	ACTION REQUIRED
Suspected Mental* Conditions	5-30 Days	Applicant must provide to civil surgeon a psychological or psychiatric evaluation from a specialist or medical facility for final classification and clearance.
Tuberculin Skin Test Reaction and Normal Chest X-Ray	Immediate	Applicant should be encouraged to seek further medical evaluation for possible preventive treatment.
Tuberculin Skin Test Reaction and Abnormal Chest X-Ray ("Inactive/Class B")	10-30 Days	Applicant should be referred to physician or local health department for further evaluation. Medical clearance should not be granted until applicant returns to civil surgeon with documentation of medical evaluation for tuberculosis.
Tuberculin Skin Test Reaction and Abnormal Chest X-Ray ("Active or Suspected Active/Class A")	10-300 Days	Applicant should obtain appointment with physician or local health department. If treatment for active disease is started, it must be completed (usually 9 months) before medical clearance granted. At completion of treatment, applicant must present to civil surgeon documentation of completion. If treatment not started, applicant must present to civil surgeon documentation of medical evaluation for tuberculosis.
Hansen's Disease	30-210 Days	Obtain evaluation from specialist or Hansen's disease clinic. If disease is Indeterminate or Tuberculoid, applicant must present to civil surgeon documentation of medical evaluation. If disease is Lepromatous or Borderline (dimorphous) and treatment is started, applicant must complete at least 6 months and present documentation to civil surgeon showing adequate supervision, treatment, and clinical response before medical clearance granted.
Venereal Diseases**	1-30 Days	Obtain appointment with physician or local public health department. Applicants with a reactive serologic test for syphilis must provide to civil surgeon documentation of evaluation for treatment. If any of the venereal diseases are infectious, applicants must present to civil surgeon documentation of completion of treatment.
Immunizations Incomplete	Immediate	Applicant should be encouraged to go to physician or local health department for appropriate immunizations.

\*Mental retardation; insanity; previous attack of insanity; psychopathic personality, sexual deviation, or mental defect; narcotic drug addiction; and chronic alcoholism.

\*\*Chancroid; gonorrhea; granuloma inguinale; lymphogranuloma venereum; and syphilis.

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U.S. Department of Justice  
Immigration and Naturalization Service

Notice of Appeal of Decision under  
Section 210 or 245A of the Immigration and Nationality Act.

OMB #1115-0135

In the Matter of:	FEE STAMP
Application for: <input type="checkbox"/> Permanent Residence <input type="checkbox"/> Temporary Residence <input type="checkbox"/> Waiver of Grounds of Excludability	File No.: A -
I hereby appeal to the Commissioner from the decision, dated _____ in the above entitled case.	
<input type="checkbox"/> My written brief or statement is attached.	
<input type="checkbox"/> I waive the right to submit a written brief or statement.	
Briefly, state reasons for this appeal.	
APPELLANT (OR ATTORNEY OR REPRESENTATIVE) Please complete the following.	
Name (Type or Print)	
Address (Street Name and Number)	
(City or Town)	(State) (ZIP Code)
Title or Relationship to Appellant, if other than appellant.	
Signature X	Date

Form I-694 (04/01/87)

IMPORTANT - See instructions on Reverse Side of this Notice.

## INSTRUCTIONS

Form I-694

### 1. FILING AN APPEAL:

This form must be mailed to the address given on the "Notice of Denial", and must be received within 30 days of the date on that notice. No extensions will be granted.

### 2. BRIEFS:

A brief in support of an appeal is not required, but may be desired. If a brief is to be submitted, it must be submitted with this appeal form. No extensions will be granted.

#### ORAL ARGUMENT:

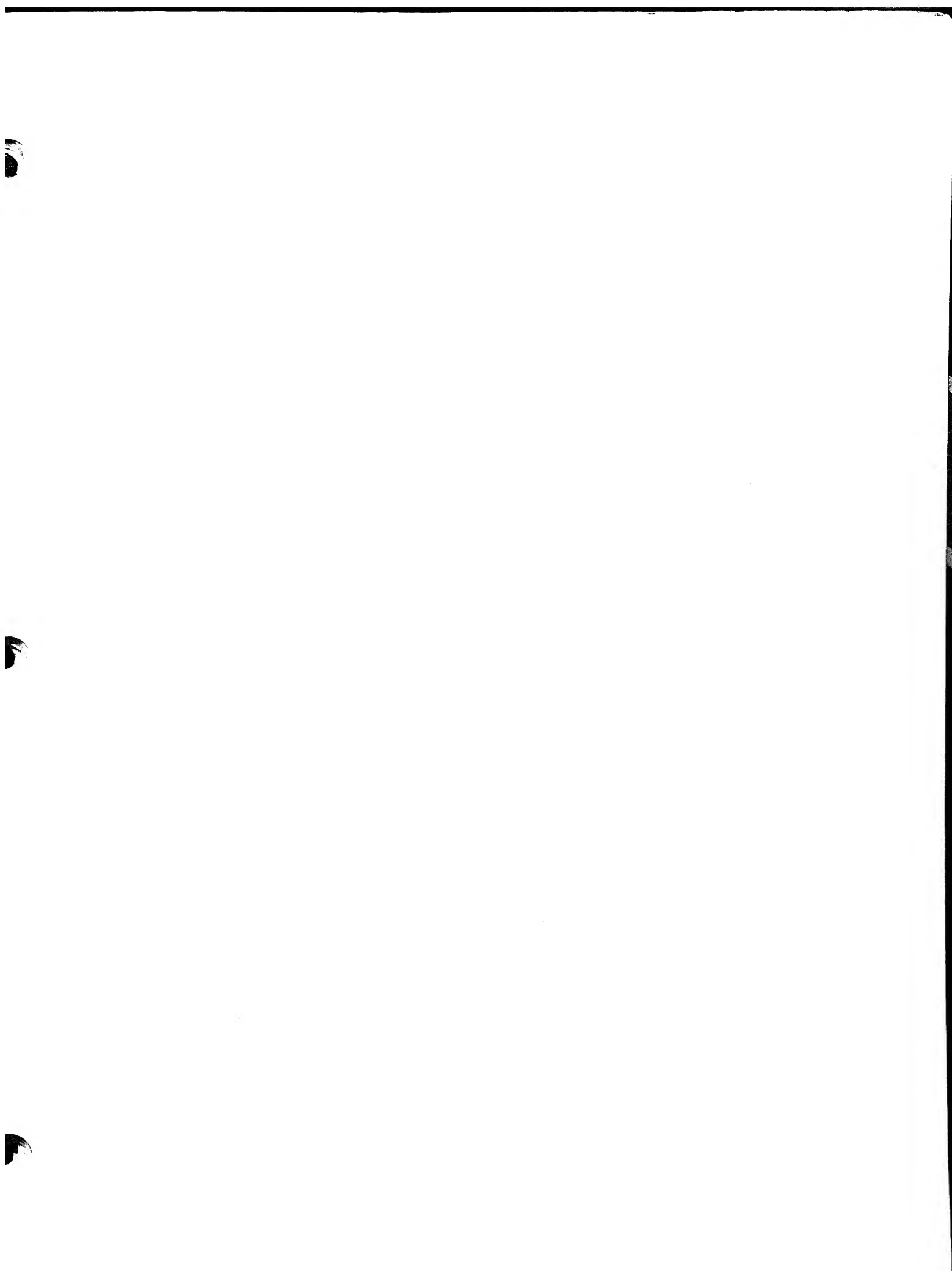
Oral argument before the Commissioner or an officer designated by him may be requested by letter attached to this notice. The letter must set forth the reasons oral argument is desired in support of or in place of a brief. Oral argument will be denied in any case where the appeal is found to be frivolous, where oral argument will serve no useful purpose or where written material or representations will appropriately serve the interests of the appellant. If oral argument is granted, it must be held in person. The officer to whom the appeal is taken will designate in writing the time, date, and place of the oral argument. Oral argument in any one case will be limited to fifteen (15) minutes, unless justification and arrangements for additional time are made in advance.

### 3. COUNSEL:

In presenting and prosecuting this appeal the appellant may, if he or she desires, be represented at no expense to the Government by counsel or other duly authorized representatives.

### 4. FEE:

A fee of fifty dollars (\$50.) must be paid for filing this appeal. It cannot be refunded regardless of the action taken on the appeal. A separate cashier's check or money order must be submitted for each application. *All fees must be submitted in the exact amount.* The fee must be in the form of a cashier's check or money order. No cash or personal checks will be accepted. The cashier's check or money order must be payable to "Immigration and Naturalization Service" unless the appellant resides in the Virgin Islands or Guam. Appellants residing in the Virgin Islands make cashier's check or money order payable to "Commissioner of Finance of the Virgin Islands". Appellants residing in Guam make cashier's checks or money orders payable to "Treasurer, Guam".)



U.S. Department of Justice  
Immigration and Naturalization Service

Application for Replacement of Form I-688A, Employment Authorization,  
or Form I-688, Temporary Residence Card (Under P.L. 99-603)

OMB #1115-0129

Please begin with item #1, after carefully reading the instructions.

The block below is for Government Use Only.

Name and Location (City or Town) of Qualified Designated Entity	Fee Stamp
	Fee Receipt No. (This application)
Qualified Designated Entity I.D. No.	File No. (This applicant) A -

Please read instructions on reverse.  
FEE WILL NOT BE REFUNDED.

1. I hereby apply for a replacement of <input type="checkbox"/> Form I-688A, Employment Authorization Card <input type="checkbox"/> Form I-688, Temporary Residence Card		A replacement is needed because: <input type="checkbox"/> Original was lost, stolen, or destroyed. (Give date and details in Block 12.) (If reason is one of the following, attach original document.) <input type="checkbox"/> Original was incorrect when issued (no fee required) <input type="checkbox"/> Original was mutilated	
2. Family Name (Last Name in CAPITAL Letters) (First Name) (Middle Name)		3. Date of Birth (Month/Day/Year)	
4. Home Address in the U.S. (No. and Street) (Apt. No.) (City) (State) (ZIP Code)			
5. Telephone Numbers (Include Area Code) Home: Work:		6. Name used when admitted as temporary resident (If different from #2):	
7. The date you were admitted or adjusted to temporary residence status:		8. Social Security Number:	
9. Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female	10. Place of Birth: (Town/City) (State/Country)		11. Country of Citizenship:
12. Explanation:			
13. Signature of Applicant: I CERTIFY that the information above is true and correct to the best of my knowledge and belief. If original document is not attached, I agree to mail it to the Legalization office in the event it is recovered.  Signature _____ Date Signed _____			
14. Signature of Person Preparing Form if other than applicant: I DECLARE that this application was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.  Signature _____ Address _____ Date Signed _____			
This section for use by IMMIGRATION OFFICER only. Recommend Application be <input type="checkbox"/> Granted <input type="checkbox"/> Denied By: _____ (Immigration Officer) _____ (Date)			
Director, Regional Processing Facility:	Replacement Issued by:	On (Date):	Replacement Receipt No.:

**INSTRUCTIONS**  
**Form I-695**

**COMPLETE APPLICATION**

**Items 1-11**

Type or print in block letters, in ink, all information requested in items 1 through 11.

**Item 12. Explanation.**

Type or print in block letters, in ink, the reason a new document is needed. If information on the original was incorrect when it was issued, or has since changed, provide that information as it appears on the original. If the original has been destroyed, lost, or stolen, explain how you believe that happened and provide the date (or approximate date) you believe the incident occurred. If the space provided in block 12 is not adequate, attach an additional sheet.

**Item 13.**

Applicant must sign and date item 13.

**Item 14.**

If the person preparing this form is other than the applicant, that person must sign and date item 14.

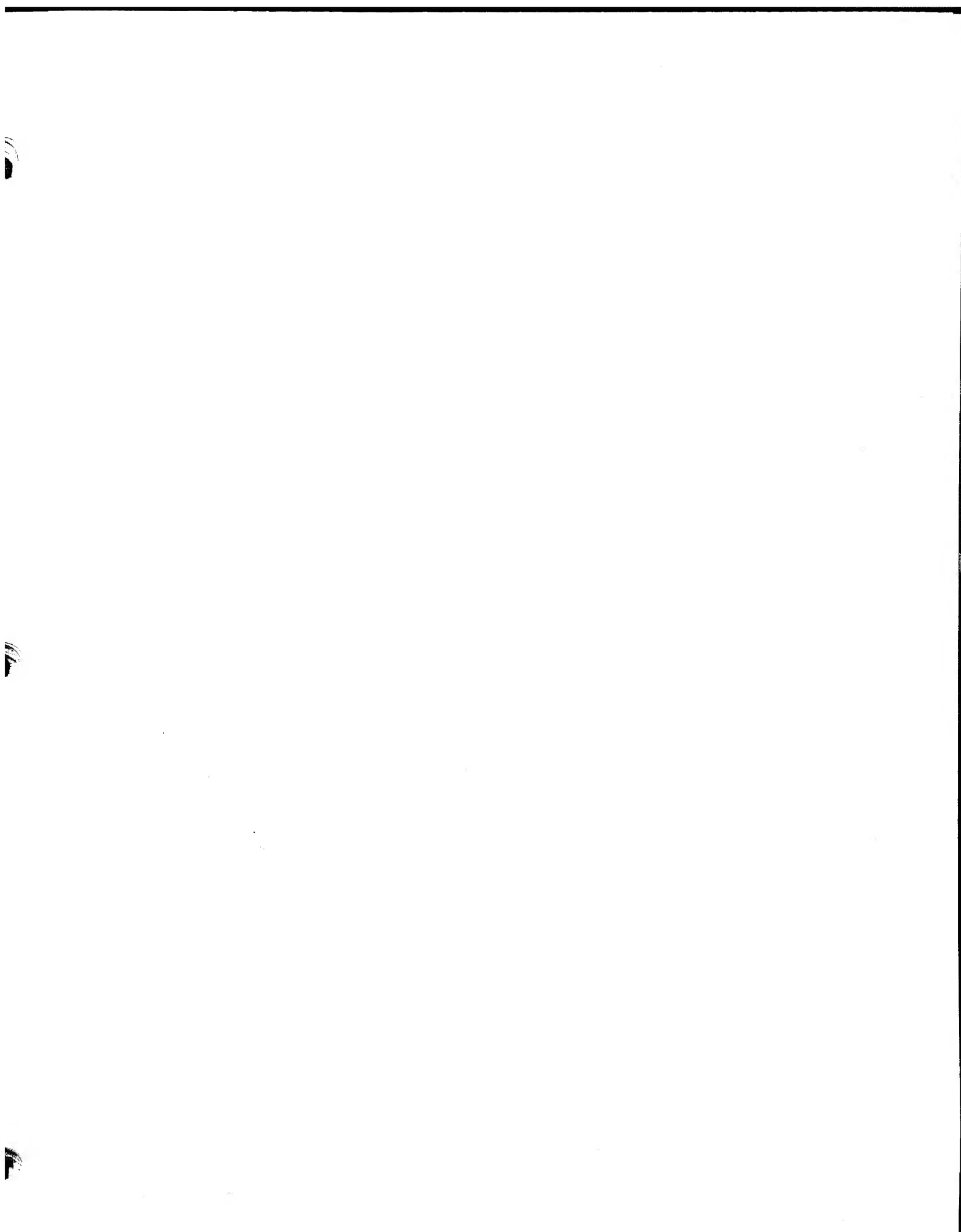
**SUBMIT ALL** of the following, *IN PERSON*, with this application to the Immigration Legalization Office having jurisdiction over your place of residence:

**DOCUMENT**, if the document previously issued to you was mutilated.

**CASHIER'S CHECK OR MONEY ORDER**, in the amount of \$15.00, made payable to the "U.S. Immigration and Naturalization Service." This fee is for filing the application and **MAY NOT BE REFUNDED**. (Applicants residing in the Virgin Islands make cashier's check or money order payable to "Commissioner of Finance of the Virgin Islands." Applicants residing in Guam make cashier's check or money order payable to "Treasurer, Guam.")

**PHOTOGRAPHS (2)**, taken within 30 days of the date of this application. Photographs must have a white background, be glossy, unretouched, and not mounted; dimension of facial image should be about one inch from chin to top of hair, and should be  $\frac{3}{4}$  frontal view showing right side of face with right ear visible. Use pencil or felt pen to lightly print your name on the back of **EACH** photograph. **AS IT IS TO APPEAR ON THE REPLACEMENT DOCUMENT.**

**PENALTIES:** Severe penalties are provided by law for knowingly and willfully falsifying or concealing a material fact or using any false document in the submission of this application. Also, a false representation may result in the denial of this application and any other application you may make for any benefit under the immigration laws of the United States.

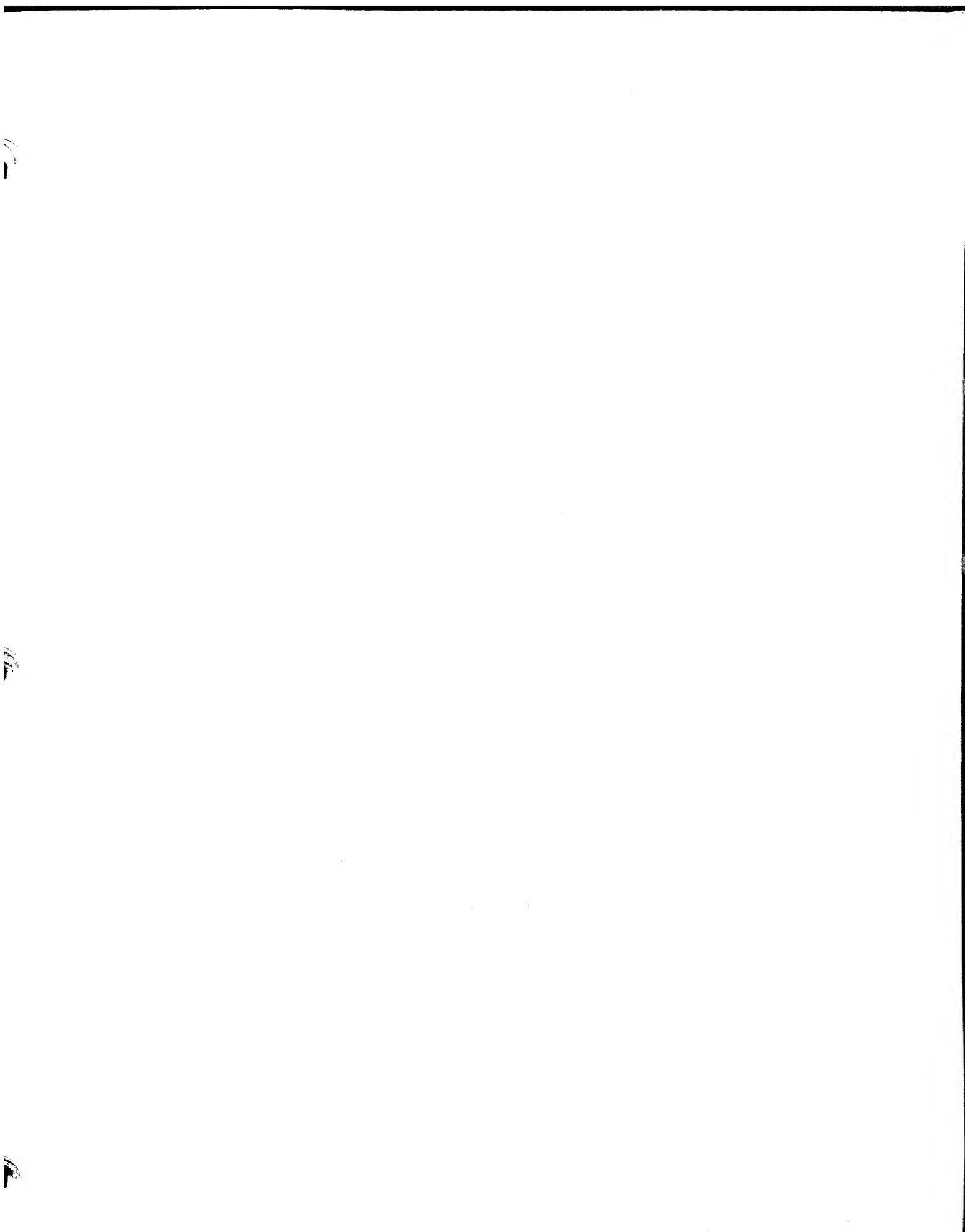


U.S. Department of Justice  
Immigration and Naturalization Service

Legalization/SAW Examinations Worksheet

Applicant's Name	A - Number	Fee Receipt Number
Examiner's Name and I.D. Number	L.O.	Date
Qualified Designated Entity I.D. No.	Attorney or Volag I.D. No.	
<b>A. Check blocks for each type of supporting documents attached to application:</b>		
<input type="checkbox"/> 1. Leases/Rent Receipts <input type="checkbox"/> 2. Employer/Union/ Business Records <input type="checkbox"/> 3. Tax Records <input type="checkbox"/> 4. U.S. licenses and I.D.'s <input type="checkbox"/> 5. Marriage Certificates <input type="checkbox"/> 6. Church/ Baptismal Records <input type="checkbox"/> 7. Postmarked Mail	<input type="checkbox"/> 8. Utility/Phone Receipts <input type="checkbox"/> 9. School Records <input type="checkbox"/> 10. Bank/Check Records <input type="checkbox"/> 11. Passports/Foreign I.D.'s <input type="checkbox"/> 12. Child's Birth Certificate(s) <input type="checkbox"/> 13. Affidavits of Friend(s)/ Relative(s) <input type="checkbox"/> 14. Other: _____	<b>SAW Employment Documentation</b> <input type="checkbox"/> 15. Government Employment Records <input type="checkbox"/> 16. Grower Records <input type="checkbox"/> 17. Farm Labor Contractor Records <input type="checkbox"/> 18. Union Records <input type="checkbox"/> 19. Pay Stubs/Work Receipts <input type="checkbox"/> 20. Tax Records <input type="checkbox"/> 21. Affidavits of Growers, Foremen, Farm Labor Contractors, or Union Officials <input type="checkbox"/> 22. Other: _____
<b>B. Examiner recommends application be:</b> (Check appropriate block(s) below and note basis for recommendation(s) on reverse).		
<input type="checkbox"/> 1. Granted <input type="checkbox"/> 2. Denied <input type="checkbox"/> 3. Denied at LO (Complete Section C or D)	<input type="checkbox"/> 4. Fraud Suspected <input type="checkbox"/> 5. Verification Requested	<b>Level of Suspicion (Check appropriate block below: #5 is highest level.)</b> <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5.
<b>C. Denied Statutorily because of the following:</b>		
<input type="checkbox"/> 1. Documents do not establish: <input type="checkbox"/> (a) Identity <input type="checkbox"/> (b) Residence <input type="checkbox"/> (c) Employment <input type="checkbox"/> 2. Inadmissible under Section 212 (a) _____ of the Act. <input type="checkbox"/> 3. In Legal Status during eligibility period.		
<b>D. Denied - Positive Fraud Established:</b>		
<input type="checkbox"/> 1. Documentary (List fraudulent document(s) presented, by category described above.)  <input type="checkbox"/> 2. False statements		
<b>E. For Secondary Review Only:</b>		
Reviewer's Name	Date of Review	
Reviewer's Signature	Reversal Warranted? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Reasons for Reversal (If applicable) _____ _____ _____ _____		

[illegible]



OMB #1115-0130

U.S. Department of Justice  
Immigration and Naturalization Service

Change of Address Card for Legalization  
and Special Agricultural Workers (SAW)

**INSTRUCTIONS:** This form is to be used *ONLY* by Legalization and SAW applicants (in connection with an application for status under Sec. 245A or Sec. 210 of the Immigration and Nationality Act) reporting a change of address. Mail to the Legalization Office where your application was submitted.

Name (Last in CAPS)	(First)	(Middle)
Country of Birth	Date of Birth (Month/Day/Year)	A-File No:
Present Address (Street or Rural Route)	(City or Post Office)	(State and ZIP Code)
IF ABOVE ADDRESS IS TEMPORARY I expect to remain there _____ years _____ months.		
Last Address (Street or Rural Route)	(City or Post Office)	(State and ZIP Code)
SIGNATURE		DATE

Form I-697 (02-14-87)

USP LVN

Change of Address Card for Legalization  
and Special Agricultural Workers  
This card is NOT to be used by persons other than those applying for  
legal status under Sec. 245A or Sec. 210 of P L 99-603

PLACE  
POSTAGE  
STAMP  
HERE

Immigration and Naturalization Service



I-700 Instructions - Page 1  
(Conditions of Application)

**Please carefully read all of the instructions: The fee will not be refunded.**

Failure to follow instructions may require return of your application and delay final action. If your application is returned, no further action will be taken. You must resubmit your application with the requested documentation or information to renew processing.

Applications for temporary resident status as a special agricultural worker must be submitted (or resubmitted) by November 30, 1988. Failure to do so will make the applicant ineligible for the benefit sought.

**1. Preparation of Application and Filing:** A separate application for each applicant must be typewritten or printed legibly in ink. Applications by family members must be submitted together in order to receive the reduced family fee structure identified in item #5 of the instructions. The application must be completed in full. If extra space is needed to answer any item, attach a continuation sheet and indicate the item number. Various organizations and individuals (Qualified Designated Entities) have been designated by the Attorney General to assist applicants in the preparation of their applications.

Applicants who have been in the United States since November 6, 1986 may file their applications in the United States with a legalization office of the Immigration and Naturalization Service or with a Qualified Designated Entity. All others must file their applications outside the United States at a location designated by the nearest American Consulate.

**2. Penalties for False Statements in Applications:** Whoever files an application for adjustment of status under Section 210 of the Act and who knowingly and willfully falsifies, conceals or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry or creates or supplies a false writing or document for use in making such an application will be subject to criminal prosecution and/or deportation.

**3. Eligibility:** Applicants may be eligible for temporary residence in either the Group I or Group II classification.

**(a) Group I**

An applicant who can establish that he/she has performed seasonal agricultural services (field work in perishable commodities) in the United States for at least 90 man days during each of the 12 month periods ending on May 1, 1984, 1985, and 1986, and resided in the United States for an aggregate of 6 months in each 12 month period.

**(b) Group II**

An applicant who can establish that he/she has resided and performed seasonal agricultural services (field work in perishable commodities) in the United States for at least 90 man days during the 12 month period ending on May 1, 1986.

**4. Ineligible Classes:** The following classes of aliens are ineligible for temporary residence as special agricultural workers:

**(a)** An alien who has assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion;

**(b)** An alien who at any time was a nonimmigrant exchange visitor under Section 101(a)(15)(J) of the Act who is subject to the two year foreign residence requirement unless the alien has complied with that requirement or the requirement has been waived pursuant to the provisions of Section 212(e) of the Act.

**Authority for Collecting this Information:** The authority to prescribe this form is contained in the "Immigration Reform and Control Act of 1986." The information is necessary to determine whether a person is eligible for the immigration benefit sought. Information on race is requested in question #9 for statistical purposes only. You do not have to give this information. All other questions must be answered. Failure to do so may result in the denial of the application.

**Confidentiality:** The information provided in this application is confidential and may only be used to make a determination on the application or for enforcement of the penalties for false statements referred to in instruction #2. The information provided is subject to verification by the Immigration and Naturalization Service.

5. **Fees:** A fee of one hundred eighty-five dollars (\$185.00) for each application, or fifty dollars (\$50.00) for each application for a minor child (under 18 years of age) is required at the time of filing with the Immigration and Naturalization Service. The maximum amount payable by a family (husband, wife, and any minor children) shall be four hundred twenty dollars (\$420.00). The fee is not refundable regardless of the action taken on the application. A separate cashier's check or money order must be submitted for each application. *All fees must be submitted in the exact amount.* No cash or personal checks will be accepted. The cashier's check or money order must be made payable to "Immigration and Naturalization Service" unless applicant resides in the Virgin Islands or Guam. (Applicants residing in the Virgin Islands make cashier's checks or money orders payable to "Commissioner of Finance of the Virgin Islands". Applicants residing in Guam make cashier's check or money order payable to "Treasurer, Guam".)
6. **Photographs:** Submit two (2) color photographs of yourself taken within thirty (30) days of the date of this application. These photos must have a white background, be glossy, unretouched, and not mounted; dimension of facial image should be about one inch from chin to top of hair; you should be shown in 3/4 frontal view showing right side of face with right ear visible; using pencil or felt pen, lightly print your name on the back of each photograph. Failure to comply with the above instructions will result in the return of the application without further action.
7. **Fingerprints:** A completed fingerprint card (Form FD-258) must be submitted by each applicant 14 years of age or older. Fingerprint cards with instructions for their completion are available at Qualified Designated Entity offices. Applicants in the United States may be fingerprinted by law enforcement offices, Qualified Designated Entities, or other reputable persons or organizations. Applicants outside of the United States may be fingerprinted at an American Consulate. The fingerprint card (FD-258) on which the prints are submitted, the ink used, and the quality and classifiability of the prints must meet standards prescribed by the Federal Bureau of Investigation. The card must be signed by you in the presence of the person taking your fingerprints, who must then sign his/her name and enter the date in the spaces provided. It is important to furnish all the information called for on the card.
8. **Interview:** You will be required to be present for a personal interview by either an officer of the Immigration and Naturalization Service or an American consul. In most locations, interviews will be scheduled subsequent to receipt of the application.
9. **Documents - General:** All documents must be submitted in the original. If the return of original documents is desired, each must be accompanied by copies certified as true and correct by your representative or designated Qualified Designated Entity in the format prescribed in 8 CFR 204.2 (j)(1) or (2). Certified copies unaccompanied by original documents are unacceptable. All original documents submitted without certified copies become the property of the Attorney General and will be retained by the Service. Any document in a foreign language must be accompanied by a summary translation into English. A summary translation is a condensation or abstract of the document's text but includes all pertinent facts. The translator must certify that he/she is competent to translate into English and that the translation is accurate.
10. **Documents to Establish Identity:** The following list gives examples of the types of documents the Immigration and Naturalization Service will consider as evidence to establish your identity. This list is not all inclusive and other evidence may be considered if none of the following is available:
  - Birth Certificate, Baptismal Certificate, or other evidence of birth
  - Passport
  - National Identification Card from country or origin
  - Driver's License
  - School Identification Card
  - State Identification Card
11. **Documents to Establish Admissibility:**
  - (a) Medical Report of Examination (Form I-693).
  - (b) Evidence of Income: During periods of residence in the United States examples of documents which may be used as evidence of financial support or income include:
    - Documents listed in item #13.
    - Letters from employers which illustrate full-time employment.
    - W-2 Tax Records or other wage records.
    - Bank statements or evidence of other assets.
    - Form I-134 (Affidavit of Support) completed by a responsible person in the United States.
    - Any other evidence to establish that the applicant is not likely to become a public charge.
  - (c) An application for a Waiver of Grounds of Excludability (Form I-690) may be required if you answer any of the items 26 through 29 in the affirmative.
12. **Documents to Establish Residence:** Examples of documents which may be submitted to establish residence in the United States during the requisite period(s) include:
  - Employment records
  - Leases
  - Birth certificates of children born in the United States
  - Church records
  - Medical records
13. **Documents to Establish Qualifying Employment:** Examples of documents which may be submitted to prove employment as a Seasonal Agricultural Worker include:
  - Government employment records.
  - Employment records kept by growers, their foremen, farm labor contractors, unions.
  - Affidavits executed under oath by persons with specific knowledge of the applicant's employment.
  - Other reliable documentation as the alien may provide, such as pay stubs, work receipts and worker identification cards.

Documentation provided by Special Agricultural Workers is subject to employer corroboration.

U.S. Department of Justice  
Immigration and Naturalization Service

Application for Temporary Resident Status as a Special Agricultural Worker (Section 210 of the Immigration and Nationality Act) OMB #1115-0131

Please begin with item #1, after carefully reading the instructions.

The block below is for Government Use Only.

Name and Location (City or Town) of Qualified Designated Entity	Fee Stamp
	Fee Receipt No. (This application)
	Principal Applicant's File No. A -
Qualified Designated Entity I.D. No.	File No. (This applicant) A -

**Applicant:** Do not write above this line. See instructions before filling in application. If you need more space to answer fully any question on this form, use a separate sheet and identify each answer with the number of the corresponding question. Fill in with typewriter or print in block letters in ink.

1. I hereby apply for status as indicated by the block checked below (check block A or B).			
<input type="checkbox"/> A Group I: Temporary Residence as an alien who has performed seasonal agricultural services in the U.S. for at least 90 days during each of the 12 month periods ending on May 1, 1984, 1985, and 1986.			
<input type="checkbox"/> B Group II: Temporary Residence as an alien who has performed seasonal agricultural services in the U.S. for at least 90 days during the 12 month period ending on May 1, 1986.			
2. Family Name (Last Name in CAPITAL Letters)		(First Name)	(Middle Name)
3. Date of Birth (Month/Day/Year)			
4. Other Names Used or Known by (Including maiden name, if married)		5. Telephone Numbers (Include Area Codes) Home: Work:	
6. Address (No. and Street)		(Apt. No.)	(Town or City)
		(State/Country)	(ZIP/Postal Code)
7. Last Address outside the U.S. (City or Town)		(County, Province or State)	(Country)
8. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	9. Race <input type="checkbox"/> Asian or Pacific Islander <input type="checkbox"/> Black, not of Hispanic origin <input type="checkbox"/> Other (specify below) <input type="checkbox"/> Hispanic <input type="checkbox"/> White, not of Hispanic origin		
10. Marital Status <input type="checkbox"/> Never Married <input type="checkbox"/> Divorced <input type="checkbox"/> Now Married <input type="checkbox"/> Separated <input type="checkbox"/> Widowed		11. Country of Citizenship	
12. Place of Birth (City or Town)		(County, Province or State)	(Country)
13. Have you previously applied for temporary residence as a Special Agricultural Worker? <input type="checkbox"/> No <input type="checkbox"/> Yes (if "Yes" give date, place of filing, and final disposition, if known)		14. Do you have any other record with I&NS? <input type="checkbox"/> No <input type="checkbox"/> Yes (if "Yes" give number(s)) A - Other	
15. When did you last come to the U.S.? (Month/Day/Year)		16. Manner of Entry (Visitor, Student, Crewman, etc.) <input type="checkbox"/> With visa (visitor, student, etc.) specify <input type="checkbox"/> Without visa	
17. Place of Last Entry <input type="checkbox"/> U.S. Port of entry (City and State) <input type="checkbox"/> Border - Not through port (State)		18. List all Social Security Numbers used. (1) (3) (2) (4)	
19. Mother's Name (Maiden) (Last) (First) <input type="checkbox"/> Living <input type="checkbox"/> Deceased (year)		20. Father's Name (Last) (First) <input type="checkbox"/> Living <input type="checkbox"/> Deceased (year)	

21. To assist in establishing the required residence, please list all affiliations or associations with clubs, organizations, churches, unions, businesses, etc.							
Name of Organization	Location	From (Month/Year)	To (Month/Year)				
22. Fieldwork in perishable commodities from May 1, 1983 through May 1, 1986 (List most recent first). Information concerning employment in the United States is subject to corroboration by the employer.							
Name of Employer	Farm Name and Location (State and County)	From (Month/Year)	To (Month/Year)	Days Worked	Type of Field Work	Type of Crop	Documentation
23. List all periods of residence in the United States since May 1, 1983 and means of support. Begin with your present address (attach an additional sheet if necessary).							
Street Name and Number (Apt. No.)	City	State and ZIP Code	Means of Support	From (Month/Year)	To (Month/Year)		
						Present	
24. I <input type="checkbox"/> have <input type="checkbox"/> have not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion.							
25. I <input type="checkbox"/> have <input type="checkbox"/> have not received public cash assistance from any source, including, but not limited to, the United States Government, any state, county, city or municipality. (If you have, explain; including the name(s) and Social Security number(s) used.)							
26. I <input type="checkbox"/> have <input type="checkbox"/> have not been treated for a mental disorder, drug addiction or alcoholism.							
27. I <input type="checkbox"/> have <input type="checkbox"/> have not been arrested, convicted or confined in a prison.							
28. I <input type="checkbox"/> have <input type="checkbox"/> have not been the beneficiary of a pardon, amnesty, rehabilitation decree, other act of clemency or similar action.							

**29. Applicants for status as Temporary Residents must establish that they are admissible to the United States. Except as otherwise provided by law, aliens within any of the following classes are not admissible to the United States and are therefore ineligible for status as Temporary Residents.**

- A. Aliens who have committed or who have been convicted of a crime involving moral turpitude (does not include minor traffic violations).
- B. Aliens who have been engaged in or who intend to engage in any commercialized sexual activity.
- C. Aliens who are or at any time have been anarchists, or members of or affiliated with any Communist or other totalitarian party, including any subdivision or affiliate thereof.
- D. Aliens who have advocated or taught, either by personal utterance, or by means of any written or printed matter, or through affiliation with an organization:
  - 1) Opposition to organized government;
  - 2) The overthrow of government by force or violence;
  - 3) The assaulting or killing of government officials because of their official character;
  - 4) The unlawful destruction of property;
  - 5) Sabotage, or;
  - 6) The doctrines of world communism, or the establishment of a totalitarian dictatorship in the United States.
- E. Aliens who intend to engage in activities prejudicial to the national interests or unlawful activities of a subversive nature.
- F. Aliens who, during the period beginning on March 23, 1933, and ending on May 8, 1945, under the direction of, or in association with:
  - 1) The Nazi government in Germany;
  - 2) Any government in any area occupied by the military forces of the Nazi government in Germany;
  - 3) Any government established with the assistance or cooperation of the Nazi government of Germany;
  - 4) Any government which was an ally of the Nazi government of Germany;

ordered, incited, assisted or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion.

Do any of the above classes apply to you? ☐ No

G. Aliens who have been convicted of a violation of any law or regulation relating to narcotic drugs or marihuana, or who have been illicit traffickers in narcotic drugs or marihuana.

H. Aliens who have been involved in assisting any other aliens to enter the United States in violation of the law.

I. Aliens who have applied for exemption or discharge from training or service in the Armed Forces of the United States on the ground of alienage and who have been relieved or discharged from such training or service.

J. Aliens who are mentally retarded, insane, or who have suffered one or more attacks of insanity.

K. Aliens afflicted with psychopathic personality, sexual deviation, mental defect, narcotic drug addiction, chronic alcoholism or any dangerous contagious disease.

L. Aliens who have a physical defect, disease or disability affecting their ability to earn a living.

M. Aliens who are paupers, professional beggars or vagrants.

N. Aliens who are polygamists or advocate polygamy.

O. Aliens likely to become a public charge.

P. Aliens who have been excluded from the United States within the past year, or who at any time within 5 years have been deported from the United States.

Q. Aliens who have procured or have attempted to procure a visa by fraud or misrepresentation.

R. Aliens who are former exchange visitors who are subject to but have not complied with the two-year foreign residence requirement.

☐ Yes (If "Yes", explain on a separate sheet of paper.)

30. If your native alphabet is in other than Roman letters, write your name in your native alphabet.		31. Language of native alphabet	
32. Signature of Applicant - I CERTIFY, under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. I hereby consent and authorize the Service to verify the information provided, and to conduct police, welfare and other record checks pertinent to this application.		33. Date (Month/Day/Year)	
34. Signature of person preparing form, if other than applicant. I DECLARE that this document was prepared by me at the request of the applicant and is based on all information on which I have any knowledge.		35. Date (Month/Day/Year)	
36. Name and Address of person preparing form, if other than applicant (type or print).		37. Occupation of person preparing form	
<b>QUALIFIED DESIGNATED ENTITY USE ONLY</b>			
38. Reviewed by (Print or Type Name)	39. Signature	40. Date	
<b>IMMIGRATION AND NATURALIZATION SERVICE USE ONLY</b>			
41. Recommendation: Temporary Residence <input type="checkbox"/> Approved <input type="checkbox"/> Denied	42. Waiver of Excludability under Section 212 (a) _____ is <input type="checkbox"/> Approved <input type="checkbox"/> Denied		
43. Class of Admission	44. Place of Adjustment	45. Date of Adjustment	
46. Recommended by (Print or type Name and Title)	47. Signature	48. ID No.	49. Date
50. Final Action: Temporary Residence <input type="checkbox"/> Approved <input type="checkbox"/> Denied	51. Director Regional Processing Facility	52. ID. No.	53. Date

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U.S. Department of Justice  
Immigration and Naturalization Service

OMB# 1115-0137  
Affidavit Confirming Seasonal Agricultural Employment of  
an Applicant for Temporary Residence Status  
Under Section 210 of the Immigration & Nationality Act

Please begin with item #1, after carefully reading the instructions.

A. INFORMATION ABOUT APPLICANT—To be completed by the applicant.

1. Name (Family Name in CAPITAL Letters) (First Name) (Middle Name)	2. Date of Birth (Month/Day/Year)
3. Address (No. and Street) (Apt. No.) (City or Town) (State) (ZIP Code)	4. Telephone Number (Include Area Code)
5. Place of Birth (City or Town) (Country, Province or State) (Country)	6. Country of Citizenship

B. INFORMATION ABOUT YOU, THE PERSON MAKING THE AFFIDAVIT.

7. Name (Family Name in CAPITAL Letters) (First Name) (Middle Name)	8. Telephone Number (Include Area Code)
9. Address (No. and Street) (Apt. No.) (City or Town) (State) (ZIP Code)	
10. Relationship to Applicant (Check which block(s) applies) <input type="checkbox"/> Grower <input type="checkbox"/> Foreman <input type="checkbox"/> Farm Labor Contractor <input type="checkbox"/> Union Official (Title) _____ <input type="checkbox"/> Other (explain) _____	

C. FIELD WORK IN PERISHABLE COMMODITIES

11. Name of Farm _____ County _____ State _____ Phone No. ( ) _____		Name of Employer _____		Dates Employed From _____ To _____	
Man Days Worked	Type of Fieldwork	Type of Crop	Name Used By Applicant If Other Than Name in Block 1.		Social Security Number Used
12. Name of Farm _____ County _____ State _____ Phone No. ( ) _____		Name of Employer _____		Dates Employed From _____ To _____	
Man Days Worked	Type of Fieldwork	Type of Crop	Name Used By Applicant If Other Than Name in Block 1.		Social Security Number Used
13. Name of Farm _____ County _____ State _____ Phone No. ( ) _____		Name of Employer _____		Dates Employed From _____ To _____	
Man Days Worked	Type of Fieldwork	Type of Crop	Name Used By Applicant If Other Than Name in Block 1.		Social Security Number Used

**C. AGRICULTURAL EMPLOYMENT (Continued)**

<p>14. Identify the source of this information by checking the appropriate blocks below and state how you know the information to be true. Records kept by:</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Grower,   <input type="checkbox"/> Farm Labor Contractor         </div> <div style="width: 45%;"> <input type="checkbox"/> Union,   <input type="checkbox"/> Personal Knowledge         </div> </div> <p>Statement:</p>	<p>15. Please sign and submit copies of the documents identified in item #14 or state the reason(s) for not supplying such documents.</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Signed, supporting documentation is attached   <input type="checkbox"/> Supporting documentation is not attached (explain)         </div> <div style="width: 45%;"> <p>Statement:</p> </div> </div>
<p>16. If the name of the applicant in block #1 is not the name under which the applicant worked as shown in Section C, please:</p> <p>(a) attach a recognizable photograph of the applicant and sign your name in ink across the back of the photograph, or</p> <p>(b) explain how you know that the applicant is, in fact, the person who performed the work.</p>	

D. I am willing to personally confirm this information, if requested. I declare and affirm under penalty of perjury that the information on this affidavit is true and correct to the best of my knowledge and belief.

Signature of Affiant

Signature of Applicant

Form I-705 (02/21/87)

**Instructions for Form I-705  
Affidavit of Seasonal Agricultural Employment**

**1. Preparation of Affidavit:**

This affidavit is to be completed under oath by agricultural producers, their foremen, union officials, farm labor contractors, or other persons with specific knowledge of the employment history of a person seeking temporary residence status as a Special Agricultural Worker (SAW). A separate affidavit must be completed for each applicant and must be typewritten or printed legibly in ink. The affidavit must be completed in full. If extra space is needed to answer any item, attach a continuation sheet and indicate the item number. Affiants may provide other information not requested on this form which may help to establish the performance of qualifying employment by the applicant.

**2. Eligibility Criteria for Special Agricultural Workers:**

Section 210 of the Immigration and Nationality Act provides for the granting of temporary residence status to aliens who have performed field labor in perishable agricultural commodities in the United States for at least 90 man-days during the twelve month period ending May 1, 1986. Aliens who can also document performance of field work in perishable commodities for at least 90 man-days in the years ending May 1, 1984 and May 1, 1985 will be adjusted to permanent resident status one year earlier than those who cannot. A man-day is any day in which not less than one hour of the requisite labor is performed for one or more employers.

**3. Confidentiality:**

As required by section 210 of the Act, the information provided

in this affidavit is confidential and may only be used by the Immigration and Naturalization Service in making a determination on the application for temporary resident status filed by a special agricultural worker. The information furnished shall not be made available to any other government agency.

**4. Work Performed Under an Assumed Name:**

**(a). Instructions for Applicant:**

In cases where you worked under an assumed name, you must prove that you are, in fact, the person who used that name. To do this, you should provide a recognizable photograph of yourself for identification by the affiant.

**(b). Instructions for Affiant:**

If you recognize the applicant from the photograph as the person who performed the work, sign the back of the photograph in ink and attach it to the affidavit.

**5. Penalties for False Statements:**

Whoever provides information in support of an application under section 210 of the Act and who knowingly and willfully conceals or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry or creates or supplies a false writing or document for use in making such application will be subject to criminal prosecution. Such false information is not protected by the confidentiality provisions of section 210 of the Act.